

K

STATE OF NEW JERSEY
CITY OF ENGLEWOOD
CITY COUNCIL WORKSHOP MEETING
MUNICIPAL COURT 73 S. VAN BRUNT STREET
TUESDAY, MAY 7, 2019
COMMENCING AT 7:38 P.M.

.....
IN THE MATTER OF : TRANSCRIPT OF
Proposed CareOne at East Palisade : PROCEEDING
Avenue and North Woodland Street :
:

.....

ORIGINAL

B E F O R E:

THE CITY COUNCIL OF THE CITY OF ENGLEWOOD

THERE BEING PRESENT:

MICHAEL WILDES, MAYOR

KATHARINE H. GLYNN, COUNCIL PRESIDENT

CHARLES COBB, COUNCILMAN

CHERYL WEINER ROSENBERG, COUNCILWOMAN

MICHAEL D. COHEN, COUNCILMAN

WAYNE HAMER, COUNCILMAN

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381 BROADWAY
WESTWOOD, NJ 07675
201-666-4888
FAX: 201-666-6944

A P P E A R A N C E S:

HUNTINGTON BAILEY LLP
BY: WILLIAM J. BAILEY, ESQUIRE
373 Kinderkamack Road
Westwood, NJ 07675
Counsel to the City Council

ARCHER & GREINER, P.C.
BY: THOMAS J. HERTEN, ESQUIRE
Court Plaza South, West Wing
21 Main Street, Suite 353
Hackensack, NJ 07601-7095
Counsel to CareOne

A L S O P R E S E N T:

YANCY WAZIRMAS, RMC
City Clerk

BARRY A. FOND SHORTHAND REPORTERS, INC.
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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVID</u>
A-1	Application with exhibits		8
A-2	Presentation summary letter dated 5/1/19 from Project Engineer, Michael J. Fowler, P.E.		8
A-3	Resume of Michael J. Fowler		8
A-4	Full Site Plans prepared by Langan Engineering dated 4/30/19, 17 sheets		8
A-5	Site Plan rendering dated 8/15/18, prepared by Langan Engineering		8
A-6	Aerial Map dated 9/12/17, prepared by Langan Engineering		8

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVID</u>
A-7	Resume of Ronald A. Fuerst, PLA, RLA, ASLA, managing principal of Langan Engineering		8
A-8	Traffic and Parking Statement dated 4/29/19, prepared by Daniel D. Disario, P.E., PTOE of Langan Engineering		8
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A-10	Presentation Summary letter dated 5/1/19 from Dan E. King, AIA, principal, Meyer Design Inc.		8
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A-14	Planning statement dated 5/1/19 Prepared by Richard M. Preiss, VP of Phillips, Preiss, Grygiel, Leheny Hughes, LLC		8
A-15	Resume of Richard M. Preiss, P.P.		8
A-16	Legal analysis of the applicability Of the Fair Housing Amendments Act ("FHAA") and the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), dated 5/1/19, Prepared by A. Kimberly Hoffman, Esq.		8

1 COUNCIL PRESIDENT GLYNN: Next, we have
2 a presentation from CareOne, if you folks would like
3 to come forward. I'd also like to point out for the
4 audience that the stenographer is with CareOne and
5 she's here on their behalf.

6 MR. HERTEN: Where would you like the
7 exhibits to be set up?

8 COUNCIL PRESIDENT GLYNN: Try and tilt
9 it so the audience can see, because we have copies.

10 THE WITNESS: Okay.

11 MR. HERTEN: Before I begin, the
12 purpose of the court reporter, as I wrote in my
13 letter of May 2nd, is to give you daily copy so that
14 you can have a full transcript of everything that has
15 gone on tonight by your Friday package, hopefully.

16 COUNCIL PRESIDENT GLYNN: Yes, we
17 appreciate that. I just wanted to clarify for the
18 public.

19 MR. HERTEN: Yes. Thank you.

20 I can begin?

21 COUNCIL PRESIDENT GLYNN: Yes, sure.

22 MR. HERTEN: Thank you.

23 Good evening, Council President,
24 members of the Council, Mayor Wildes.

25 My name is Tom Herten from Archer &

1 Greiner. I represent the applicants, and they are
2 431 East Palisade Avenue Real Estate, LLC, and 7
3 North Woodland Street, LLC.

4 These applicants are before you tonight
5 for a presentation in furtherance of the application
6 that was filed on January 14th of this year to
7 request a rezone of my clients' properties, basically
8 situated at the intersection of North Woodland and
9 East Palisade Avenue for use as an assisted
10 living/memory care facility.

11 The property is located directly to the
12 east of the Dwight Englewood School complex.

13 The application, which we filed on
14 January 14th, was supported by exhibits, but it
15 wasn't the first time that we were before this
16 governing body.

17 About a year before then, we began the
18 process of investigating a rezone for our clients'
19 property. We had conversations with city staff. We
20 spoke with your city attorney. We submitted legal
21 memoranda. We had an informal presentation before
22 you on August 21st of 2018.

23 So that is the background of the
24 application.

25 In furtherance of our application, I

1 did draft and submit to all of you a letter dated May
2 2nd of this year. The letter included within its
3 contents 16 exhibits, A-1 being the formal
4 application itself, and also as a precursor to this
5 evening, the exhibits that we intended to rely upon
6 for this presentation.

7 With the consent of your city attorney,
8 we are admitting those exhibits in my letter of May
9 2nd into the record as part of the record, without
10 further authentication, because the parties who
11 created those documents will be here this evening and
12 you can ask them questions.

13 (Exhibits A-1 through A-16 are marked
14 in evidence.)

15 MR. HERTEN: We have a tight timeframe,
16 we understand that, so we will be as efficient as we
17 can. My opening remarks will be extremely limited.

18 I just want to say that this is not
19 only an important evening for my client, but, we
20 respectfully submit, is an important evening for the
21 City of Englewood itself, because we're before you
22 asking you, as the City Council, to take legislative
23 action by initiating the rezone process within the
24 City of Englewood.

25 The reason that we are before you is

1 that your Master Plan guides us and guides you to
2 implementing its objectives by legislation, by
3 ordinance. The Council on Affordable Housing and the
4 New Jersey Fair Housing Act sort of suggests that in
5 order to satisfy your affordable housing obligation
6 within the community, you need to take legislative
7 action. The federal Fair Housing Act also requires,
8 in order to implement its goals and purposes,
9 legislation.

10 You are the only body within the City
11 of Englewood that has the power to enact legislation.
12 The zoning board doesn't. And that is why we are
13 here before you and that is why it is such an
14 important evening for us.

15 I would only ask that you listen to and
16 take heed at your city attorney's advice.
17 Applications for rezoning must rise and fall on their
18 own merits. Each one is different. The fact that
19 you grant one does not create a precedent that makes
20 you obliged to enact rezoning on another application.

21 We believe that the application we're
22 going to present to you this evening is unique, is in
23 the public interest, and we expect, through our
24 planning testimony and the testimony of Kim Hoffman,
25 who has a host of experience in the federal Fair

J. Straus

10

1 Housing Act, that you will have the necessary tools
2 to make the decision that we are asking you to make.

3 In my May 2nd letter, I gave you the
4 batting order of who's going to be testifying.
5 They'll be testifying in the order that I suggested:
6 Joseph Straus first; Ron Fuerst from Langan
7 Engineering; Dan Disario doing traffic presentation;
8 Dan King doing architectural; and then Richard
9 Preiss, our planner, and then finally Kim Hoffman,
10 our FHA attorney.

11 We will begin the presentation, and
12 I'll leave my remarks at that right now.

13 COUNCIL PRESIDENT GLYNN: Thank you
14 very much.

15 MR. HERTEN: Joseph Straus.

16 COUNCIL PRESIDENT GLYNN: I just want
17 to make one remark, that this evening is a
18 presentation and we look forward to hearing it in its
19 entirety, but the council is taking no action this
20 evening, this is just for us to hear the
21 presentation.

22 Thank you.

23 MR. HERTEN: Thank you.

24 J O S E P H S. S T R A U S, c/o CareOne, 173
25 Bridge Plaza North, Fort Lee, New Jersey 07024,

J. Straus

11

1 states as follows:

2 MR. STRAUS: Honorable Mayor, members
3 of the Council, thank you very much for your time
4 tonight. I'd also like to thank all of the neighbors
5 and community leaders who have come out tonight to
6 show their support for our project. In particular,
7 I'd like to thank Rabbi Akiva Block from Kehilat
8 Keshet; Rabbi Menachem Genack from Congregation
9 Shomrei Emunah; Rabbi Chaim Poupko from Congregation
10 Ahavath Torah; and Rabbi Zev Reichman from East Hill
11 Synagogue, for all their support, and for three of
12 whom are here tonight representing their respective
13 congregations.

14 Ladies and gentlemen, I stand before
15 you tonight not only as a representative of the
16 applicant, but also as a fellow Englewood resident, a
17 neighbor, and a representative of sick, elderly,
18 frail, handicapped and disabled members of our
19 community.

20 Although we have been given a very
21 strict time limit and you will hear from our experts
22 in more detail, I'd like to give you a quick summary
23 of what you will hear tonight.

24 First, contrary to what ignorant
25 gossipers, Facebook posters with questionable motives

J. Straus

12

1 would like you to believe, this is not a request for
2 spot zoning. We are not asking for special treatment
3 as a landowner or as a developer.

4 On the contrary, we are asking for our
5 application to be considered, because the primary
6 service that our company provides is an invaluable
7 one that satisfies a need in our community that is
8 not currently being met.

9 Because we, as members of Englewood, a
10 community where, as a result of their religious
11 beliefs, many of its members are geographically
12 constrained, have failed to provide suitable housing
13 and care for the sick, elderly, frail, disabled, and
14 handicapped among us.

15 Second, the negative impacts that the
16 people campaigning against our project may have
17 repeated are overstated, and, in most cases,
18 completely untrue.

19 Third, we've spoken to many neighbors
20 and incorporated their feedback into our plans, and
21 there is no notice requirement for tonight's
22 presentation.

23 Fourth, there was an inordinate amount
24 of time and attention put into this project to ensure
25 it fits into the greater Englewood environment and

R. Fuerst

13

1 architecture were preserved.

2 After all, I will live closer to this
3 project than most people in this room and pass by it
4 everyday on my way to work.

5 Fifth, the local zoning board does not
6 have the jurisdiction and is not the appropriate
7 venue to review this application. This is an
8 application that the Council must hear and take
9 action on itself, because, in this instance, the
10 local zoning ordinance does not reasonably
11 accommodate the needs of the perspective residents of
12 our facility.

13 Sixth, and I want this point to be
14 very, very clear, a denial of our application for a
15 zoning ordinance change (with a referral to the
16 zoning board of adjustment) would not remedy the
17 discriminatory effects of the city's ordinance and
18 would simply delay the opportunity for the
19 perspective residents of our facility to live in the
20 location of their choice.

21 Thank you.

22 MR. HERTEN: Ron Fuerst from Langan
23 Engineering.

24 R O N A L D A. F U E R S T, PLA, RLA, ASLA, c/o
25 Langan Engineering & Environmental Services, 300

R. Fuerst

14

1 Kimball Drive, Parsippany, New Jersey 07054,
2 states as follows:

3 MR. FUERST: My name is Ron Fuerst,
4 managing principal from Langan Engineering and
5 Environmental Services.

6 Good evening, Council members. I
7 appreciate the opportunity to present this.

8 My role tonight is simply to kind of
9 introduce you to the project that is currently
10 designed and proposed. So I'm going to take a few
11 aspects of some plans here, so I can go back and
12 forth, you have plans in front of you, but I'm just
13 going to point to them.

14 So, real quick, this plan here is an
15 aerial that basically shows the location of the site.
16 It's on the northeast corner of East Palisade Avenue
17 and North Woodland Street.

18 This is Palisade Avenue here, 9W to the
19 right.

20 This is a blowup of the site. As you
21 go closer in on this, you'll see Dwight Englewood
22 High School is off to the west and the Moriah School
23 is also to the south there, so the orientation is on
24 the well traveled East Palisade Avenue.

25 So, currently the existing site

R. Fuerst

15

1 comprises of about four different lots, three of them
2 are in Englewood and one of them is in Englewood
3 Cliffs. We're combining them into one single lot
4 that comprises of just roughly almost five acres,
5 4.96 to be exact.

6 Currently on the site right now are two
7 basically single family homes, one being used partly
8 by, I believe, Moriah School and the other one is an
9 abandoned house that has a pool and an adjacent
10 accessory use of a tennis court, which is located
11 down in this area towards Flat Rock Brook.

12 We've also superimposed the overall
13 site plan of the footprint of the building that we'll
14 be proposing.

15 So, the proposal is to create a 150 bed
16 assisted care facility, a memory care operation for
17 this location.

18 It's a facility that is operated by
19 CareOne quite regularly. They know how to do this
20 very well, so the components necessary, the architect
21 will go into what it entails that are all
22 incorporated into this single use.

23 We situated the building itself within
24 the center of the lot, but one of the things we were
25 very sensitive to was the orientation and the

R. Fuerst

16

1 surrounding neighborhoods. The site itself obviously
2 has single family homes up to the north and to the
3 west, but is also adjacent to Dwight Englewood High
4 School, which has a lot of larger buildings, very
5 beautiful buildings, for that matter. We wanted to
6 fit into the character of that location.

7 What you'll also see here is that we
8 have access points that do provide sufficient access
9 to and from the building. They are located off of
10 East Palisade Avenue here in a full movement, as far
11 away from the intersection as we possibly could get
12 to avoid any kind of conflicts and issues, which Dan
13 Disario will talk to in a moment, as well as
14 additional access predominantly for emergency access
15 to be able to get around the building itself off of
16 North Woodland. It is important to note that this
17 access will be a left turn only, it will not be a
18 right turn back into the residential area to keep the
19 few stray cars that might be in that neck of the
20 woods oriented back towards East Palisade Avenue.

21 So what you'll also note here is that
22 the footprint itself is approximately 46,000 square
23 feet. The building itself will be over three
24 stories, with a partial basement in the portions of
25 the building that will be located in this darker

R. Fuerst

17

1 shaded area.

2 The site is relatively steeply sloped
3 in certain areas, so we were able to take advantage
4 of that, and actually in certain areas, imbedded
5 slightly more into the building, into the ground
6 itself to help minimize the height and the issues
7 that are there. But overall the design itself is
8 compliant with the setback requirements that we
9 normally would have in this R-AAA zone in the area.

10 One other thing important to note too
11 is in the footprint we also have courtyards that are
12 located inside the building itself, which are used by
13 the residents in order to keep everybody basically
14 self-contained and used within the space itself.

15 We've added 111 cars to the overall
16 parking facility, and that is adequate to
17 sufficiently provide both for the uses of the
18 employees for the facility itself as well as the
19 people who come in and visit the elderly that are in
20 this location.

21 One other major component to this was
22 obviously trying to orient the landscaping and make
23 sure this really fit the community.

24 And what you'll notice here is,
25 particularly over in North Woodland Street and also

D. Disario

18

1 near the brook, our intent was to save as many of the
2 trees, which we have an abundant amount of on this
3 site in order to increase the buffers and make sure
4 we can make the building as subtle into this
5 location.

6 And this is just a quick rendering of
7 that location at the corners of North Woodland and
8 East Palisade Avenue.

9 As you can see, by being able to create
10 at least a 50 feet buffer that we have there, we can
11 preserve a lot of existing trees that are in that
12 location. The building will be situated behind
13 those. But in addition to that, we're also adding a
14 lot of additional landscaping that will be in and
15 around the building itself.

16 So, at the end, this will be a building
17 that will be very much in line with what's along with
18 Dwight Englewood High School and as well as with East
19 Palisade and we believe will fit the site itself very
20 well.

21 So with that, I'm going to hand it over
22 to Dan Disario, who is going to talk a little bit
23 about traffic.

24 D A N D. D I S A R I O, PE, PTOE, c/o Langan
25 Engineering & Environmental Services, 300

D. Disario

19

1 Kimball Drive, Parsippany, New Jersey 07054,
2 states as follows:

3 MR. DISARIO: Good evening, ladies and
4 gentlemen.

5 As detailed in your packet, which is a
6 traffic study that we've prepared, as it relates to
7 this facility, I've worked on dozens of them, and I
8 can respectfully submit to you that these types of
9 facilities are relatively low traffic generators.

10 We estimate this facility will generate
11 about one new trip to the area every 1 to 2 minutes
12 during weekday morning and evening commuter hours.

13 I can tell you that level of traffic
14 increase to this area will not significantly impact
15 traffic operations, and I would respectfully submit
16 to all of you, as well as the public that are here,
17 that if you're inclined to grant approval for the
18 rezoning and this facility were to be constructed,
19 you will not be able to discern any noticeable
20 differences in traffic operations either along East
21 Palisade or North Woodland as a result of this
22 project.

23 And because of that, we are proposing
24 no improvements in terms of roadway or intersection
25 improvements as part of this project.

D. King

20

1 East Palisade, North Woodland Street
2 will remain exactly as they exist currently. There
3 are no changes whatsoever in terms of physical
4 modifications to either of these roads as part of
5 this proposal.

6 I would leave you lastly with the site
7 plan as it relates to access and circulation. The
8 site is contemplated to comply with design standards
9 that relate to circulation and access, and, in my
10 opinion, both circulation and access will work
11 efficiently and accommodate the demands that are
12 associated with this use and the proposed parking
13 that's contemplated.

14 You heard from Ron earlier, there's in
15 excess of 100 parking spaces. I can tell you, based
16 on my experience, that amount of parking will
17 sufficiently accommodate anticipated demands for this
18 use.

19 And with that, I will turn it over to
20 the project architect, Dan King.

21 D A N K I N G, AIA, NCARB, c/o Meyer Design Inc.,
22 dking@meyerdesigninc.com, states as follows:

23 MR. KING: I'm going to be very brief.

24 Thank you, Council members, for having
25 us here.

D. King

21

1 I'm the architect. I've been with
2 Meyer for 25 years. We have been doing senior living
3 design for over 20, and probably more than half of
4 our projects have been in the Northern New Jersey
5 area.

6 I want to talk quickly about the
7 architecture of the building.

8 It is always important to us, but
9 especially to our client, Joseph Straus, who actually
10 lives in this community. It's actually very rare
11 that our client actually lives in the community in
12 which they're developing, so he has a very personal
13 stake in this and wants it to absolutely fit into
14 this community.

15 So we tend to spend time within the
16 townships that we're going to design and make sure
17 that whatever we build fits within the fabric of that
18 community.

19 What we learned is that over the
20 history of this town, there has been a lot of Dutch
21 and Netherlands influence from settlers that came in
22 in the late 1800s and also in the mid-20th century,
23 and you'll see a lot of tutor-style architecture, you
24 know, some of the apartments, retail, you'll see a
25 lot of this style, the stucco and the wood banding at

D. King

22

1 a lot of locations, so we wanted to build off of
2 that.

3 We anchor both ends of the building
4 with a turret. We try to establish some human scale
5 with a one-story bump-out at the front, and then as
6 the building steps back, at the main entrance, we use
7 some glass with the diamond muntins to try to really
8 make it feel authentic and residential.

9 It's important for these kinds of
10 facilities, that one, they feel residential so that
11 the person who's moving in there feels like they're
12 moving into a new home. We want residents and
13 families to feel a sense of pride of where their
14 parents are moving into. This is an opportunity to
15 bring people closer to them for those who live in
16 this community.

17 As indicated by the civil engineer, it
18 does slope down towards North Woodland Street, and
19 under there we put a lower level. It has just public
20 spaces of a multipurpose room, a chapel. These
21 spaces will be used for programming of the community,
22 establishes that all of you would have access to for
23 things like seminars and how to, you know, treat
24 elderly and that sort of thing.

25 So that's the building, and I'm going

R. Preiss

23

1 to turn it over to Mr. Preiss.

2 R I C H A R D P R E I S S, PP, c/o
3 Phillips Preiss Grygiel Leheny Hughes, LLC, 33-41
4 Newark Street, Third Floor, Suite D, Hoboken, New
5 Jersey 07030, states as follows:

6 MR. PREISS: Good evening. My name is
7 Richard Preiss. I'm the planning consultant.

8 Tonight I want to address three aspects
9 related to the proposed rezoning.

10 The first is the city's Master Plan and
11 Zoning Ordinance.

12 The second is the suitability and
13 compatibility of the proposed project with respect to
14 its location and the surrounding uses.

15 And the third is the obligation of the
16 city to rezone the property, as opposed to sending
17 the matter to the zoning board of adjustment for a
18 use variance.

19 With respect to the Englewood Master
20 Plan, your 2014 Master Plan acknowledges the aging of
21 the population and also the need to provide choices
22 of housing for that population.

23 In fact, objective No. 6 of your Master
24 Plan is what is labeled as "senior oriented
25 development," and the Master Plan actually indicates

R. Preiss

24

1 that assisted care facilities development is
2 something that can provide positive fiscal returns
3 for the city, and I wholeheartedly agree with that.

4 One of the very substantial benefits of
5 assisted living facilities is that they generate
6 substantial revenues, because they are high value
7 uses, but they generate no schoolchildren and little
8 demand for municipal services because virtually all
9 of these are provided in-house.

10 The one thing that your Master Plan
11 failed to do is to identify specific locations or
12 zones where such housing could be accommodated.

13 As will be indicated in the person
14 who's after me, Kimberly Hoffman, an attorney, the
15 city's Zoning Ordinance does allow assisted
16 facilities in the RIM Zone, Research, Industrial and
17 Manufacturing Zone, but a more appropriate location
18 would be in one of the city's residential areas or
19 zones, and the proposed location is in fact a very
20 suitable location.

21 Further, as I read Ms. Hoffman's legal
22 analysis, the law supports and mandates that
23 conclusion.

24 In terms of its compatibility and
25 appropriate location, it's located at the corner of

R. Preiss

25

1 two appropriate streets, Palisade Avenue and North
2 Woodland Street. They have the capacity to handle
3 the traffic and provide access to the property.

4 Palisade Avenue is a major collector,
5 it runs eastward from the downtown, through a
6 neighborhood that is predominantly multifamily,
7 transitioning into an area of larger single family
8 residential lots, but it's an area where you have
9 larger institutional uses. These have been mentioned
10 before. Dwight Englewood School is on the opposite
11 corner of North Woodland Street and Palisade Avenue,
12 and the Moriah Hebrew School is a short distance to
13 the south on South Woodland Street.

14 One of the things about assisted living
15 facilities, that they are extremely benign land uses
16 from a land use impact point of view. They have low
17 traffic generation, particularly at peak hours, low
18 parking needs, and very little outdoor use or noise
19 and activity generation.

20 They are predominantly residential in
21 nature and are often found in the midst of single
22 family residential areas or adjacent or close to
23 neighboring single family homes, upon which
24 historically, in my experience, they've had little
25 negative impact.

R. Preiss

26

1 The third aspect that I wanted to
2 address is the obligation of the city to rezone this
3 property for the assisted living facility rather than
4 to send it to the zoning board for a use variance,
5 and this comes from two overriding mandates related
6 to assisted living.

7 The first is the federal Fair Housing
8 Amendments Act, where communities are under the
9 obligation to make accommodations for the frail
10 elderly. Ms. Hoffman, who will precede [sic] me, is
11 going to address this aspect.

12 The second is the obligation of
13 municipalities to provide their fair share of low and
14 moderate income housing. And with respect to the
15 latter, Englewood's repose, a community of builder's
16 remedy lawsuit actually expires at the end of this
17 month.

18 Englewood faces a very substantial
19 third round prospective need for the period of
20 1999-2025. Fair Share Housing planner, David Kinsley
21 (phonetic) has calculated that obligation as
22 1,331 units, and alternatively there was a recent
23 decision last year by Judge Jacobson in Mercer
24 County, which is being followed by Fair Share Housing
25 in most municipalities seeking a declaratory

R. Preiss

27

1 judgment, and that calculation was a third round
2 prospective need of 819 units.

3 Assisted living facilities have been
4 considered as inclusionary housing projects, which
5 help the municipality to meet their fair share
6 obligation, because there's a state requirement that
7 ten percent of all the units must be for Medicaid
8 eligible residents, and this meets the income
9 threshold for low income households.

10 When communities rezone individual
11 properties or individual sites for such an
12 obligation, such actions are not considered by the
13 courts to be illegal spot zoning, because the public
14 health and welfare is being advanced. Moreover,
15 meeting such an affirmative obligation is a necessary
16 legislative action that must be undertaken by the
17 zoning body, by the City Council that is to create an
18 opportunity for such projects.

19 Therefore, in this particular case,
20 this project should be permitted through a rezoning,
21 and cannot and should not be referred to the zoning
22 board of adjustment for a discretionary decision
23 within the context of a (d)(1) use variance.

24 The CareOne facility meets all of the
25 Council on Affordable Housing site suitability

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1 criteria, so that it can be deemed suitable in its
2 location and at the scale to meet the affordable
3 housing obligation and to provide units for the
4 prospective third round obligation.

5 I should note that this project has
6 been designed in a way that it meets all of the bulk
7 requirements of the RIM Zone, that's a zone in which
8 assisted living facilities are provided, except for
9 the height and the setback requirements.

10 And, finally, in my opinion, the
11 proposed CareOne facility site and location is
12 extremely well suited to assist Englewood in meeting
13 its mandates of the federal Fair Housing Amendments
14 Act as well as the low and moderate income housing
15 obligation of New Jersey's Fair Housing Act.

16 Thank you.

17 A. K I M B E R L Y H O F F M A N, ESQ., c/o
18 Morris James LLP, 500 Delaware Avenue, Suite
19 1500, Wilmington, Delaware 19801-1494, states as
20 follows:

21 MS. HOFFMAN: Good evening. It's an
22 honor to be here. I'm Kim Hoffman. I'm an attorney
23 who litigates in the area of housing, health care,
24 and religious institutions.

25 I gave Mr. Herten a written analysis in

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1 the record already regarding the city's opportunity
2 to fulfill its obligations under both the Fair
3 Housing Act amendments and the Religious Land Use and
4 Institutionalized Persons Act.

5 So I'm here tonight to offer a brief
6 summary of my analysis and answer my the questions
7 that the Council or the Mayor may have.

8 AUDIENCE VOICE: Excuse me, could you
9 speak into the microphone? Can you lift it up?

10 Thank you.

11 MS. HOFFMAN: The city has an
12 obligation to afford the elderly, who are considered
13 handicapped and covered by the Fair Housing Act, an
14 equal opportunity to enjoy housing in residentially
15 zoned districts, including housing in assisted living
16 and other types of congregant care.

17 Because there are no residential zoning
18 districts where assisted living is allowed in
19 Englewood, granting this application is necessary to
20 provide a reasonable accommodation under the
21 Englewood code for that use and avoid the disparate
22 impacts of the present code on elderly persons in
23 Englewood.

24 The city also has the opportunity to
25 remove a substantial burden on religious exercise in

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1 the city.

2 Members of various faith communities
3 can better engage in religious practice by continuing
4 to live in residential districts near their places of
5 worship, and, indeed, key tenets of some faiths, like
6 Orthodox Judaism rely on walking during Shabbat.
7 Only facilities in residential areas can lift the
8 burden that zoning assisted living all the way to
9 commercial district places on the Orthodox community.

10 Congregants must visit the sick, attend
11 services, and, in the case of rabbis, conduct
12 services. And unless they're in this residential
13 district, they can't do that and they can't carry
14 things, such as the Torah or food for the sick or for
15 the elderly. So that's why it's very important to be
16 able to locate this facility in this residential
17 neighborhood and not in the RIM district.

18 Council has the opportunity to change
19 that for this community.

20 By zoning assisted living out of
21 residential areas, the code is presently imposing a
22 substantial burden on both members of faith
23 communities who could be residents of this new home
24 and also on churches and synagogues themselves who
25 are trying to minister to the elderly and involve

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1 them in religious practices.

2 The board of adjustment, as others have
3 said, is just not tasked with complying with these
4 statutes nor is it tasked with implementing the
5 Master Plan, the Council is.

6 Courts make clear that legislation
7 achieves full compliance with these laws, not the
8 discretionary quasi-judicial decisions that the board
9 of adjustment has to make on a case-by-case basis.

10 So the applicant is hoping to work
11 collaboratively with Council to obtain relief for
12 itself, but also to protect the city from federal
13 litigation where courts can award damages, attorneys
14 fees, in fact usurp the entire zoning process
15 entirely from the city, in order to ensure compliance
16 with both the Fair Housing Act and the Religious Land
17 Use and Institutionalized Persons Act.

18 If there are no further questions,
19 including about my presentation or submitted
20 materials, thank you.

21 COUNCIL PRESIDENT GLYNN: Thank you.

22 MR. HERTEN: Thank you, Council
23 President, members of the Council, and Mayor Wildes.
24 That concludes the presentation.

25 If any of you seek additional

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1 information from us, we would be happy to provide it.
2 We look forward to your deliberative process,
3 weighing what was said here tonight, reading and
4 digesting the information that we have provided to
5 you in our written submission, and we're hopeful that
6 we can come back to you, if necessary, for any
7 further questions you might have, or, absent that, a
8 favorable decision on our request.

9 Thank you very much.

10 COUNCIL PRESIDENT GLYNN: Thank you.

11 Any questions?

12 Mayor.

13 MAYOR WILDES: Thank you.

14 Thank you for your presentation.

15 The record should reflect that there
16 are correspondences that were sent to many of us and
17 meetings held, and all of that should transparently
18 be made part of whatever our subsequent record.

19 I sat on this dais years ago when the
20 Han Moory Church was there.

21 Does the Han Moory Church still own the
22 site property or part of the acreage? Because at the
23 time we denied that and it was a religious house of
24 worship, because of the significant effect that it
25 would have on that corridor.

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1 MR. HERTEN: Yes, the Han Moory Church
2 still owns a portion of the assembled property.

3 CareOne, my clients, are contract
4 purchasers but we do submit, Mayor, that this project
5 is like apples and oranges from the Han Moory Church.

6 You heard from the traffic consultant
7 the minimal impact that this would have on the
8 neighborhood.

9 MAYOR WILDES: The Master Plan, you're
10 saying, is silent on federal Fair Housing Amendments
11 Act and also on religious practices?

12 Is that one of the claims, that the
13 Master Plan is failing behind on those two matters or
14 that this body is the more efficient body to make
15 those determinations?

16 MR. HERTEN: I'll have Ms. Hoffman
17 respond, but the suggestion is that the Master Plan
18 of the City of Englewood has called out the need to
19 allow its graying population to remain in place.

20 The Master Plan has this as an
21 objective, but since the Master Plan was adopted,
22 there has been no ordinances to in fact fulfill that
23 need and legislate and allow for assisted living and
24 care of the elderly within the borders.

25 In terms of the two statutes that Ms.

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1 Hoffman speaks to, I'll let her talk.

2 MAYOR WILDES: And just further to
3 that, before Ms. Hoffman addresses that, the board of
4 adjustment is specialized when it comes to
5 institutional uses in that area, particularly Dwight
6 Englewood and a lot of the other institutional uses
7 along that corridor.

8 Would your position be that they be
9 denied a vote or a say in this process, that the
10 Council make a law first, or do they then play a
11 role, if the Council designates a change in an
12 ordinance, does it then go to the board of adjustment
13 as far as site plan details?

14 MR. HERTEN: There are two aspects of
15 this, and Mr. Bailey would speak to this as well.

16 We're asking for the rezone process to
17 begin. What we're asking the council to do is to
18 introduce an ordinance to allow for an assisted
19 living facility in this site. The ordinance has to
20 be published in first reading.

21 MAYOR WILDES: No, I understand, and
22 there will be a transparent process of a new
23 ordinance, but will the board of adjustment have an
24 opportunity to look at the site and everything at
25 that juncture, if there is a new ordinance passed by

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1 the Council?

2 MR. HERTEN: It would be planning
3 board.

4 MAYOR WILDES: It would be the planning
5 board then?

6 MR. HERTEN: Yes.

7 MAYOR WILDES: But there would be a
8 governing board --

9 MR. HERTEN: Oh, absolutely.

10 MAYOR WILDES: I see the great lengths
11 to which you made it look residential and the queuing
12 and everything is very different than the church that
13 that was there many years ago, but there will be
14 board, it's not going to be pulled out of the board's
15 hands?

16 MR. HERTEN: No.

17 After an ordinance is adopted, we still
18 have to go through the site plan approval process,
19 but the appropriate jurisdiction at that time would
20 be with the planning board.

21 MAYOR WILDES: Thank you.

22 Ms. Hoffman, the real question was, I
23 know that there are accommodations that hospitals and
24 assisted living facilities do for Sabbath observers,
25 Shabbat and so forth.

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1 Is it your claim that the city is
2 deficient in its accommodation of religious Orthodox
3 practices by not having something within walking
4 distance?

5 MS. HOFFMAN: Yes.

6 To comply with the Religious Land Use
7 and Institutionalized Persons Act, given the Orthodox
8 population, compliance could be achieved by locating
9 a facility like this within a residentially zoned
10 district, which is what the code presently doesn't
11 allow. So that's what is putting the substantial
12 burden on both the congregants and also the
13 institutions.

14 MAYOR WILDES: And that means that the
15 board of adjustment would be inadequate to address
16 this, there needs to be an ordinance from the Council
17 with that designation in mind?

18 MS. HOFFMAN: That would be
19 appropriate, but the board of adjustment's
20 jurisdiction is to take existing criteria under the
21 code and decide whether it should be waived. This is
22 more of a legislative matter, where it's the
23 Council's jurisdiction to try to achieve compliance
24 with that law.

25 MAYOR WILDES: It just looks, walks and

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1 talks like spot zoning, and that is the issue that we
2 have around this, but your claim is that it's not,
3 it's just that the law of the city does not
4 accommodate the Fair Housing Amendments and religious
5 practices of that community?

6 MS. HOFFMAN: That's right, and there
7 is a lot of law that says that when these beneficial
8 uses are adopted, both assisted living and these
9 accommodations are made under the Religious Land Use
10 and Institutionalized Persons Act, and that burden is
11 lifted, it's not deemed to be spot zoning.

12 MAYOR WILDES: All right.

13 And the community would then have their
14 fair shake at giving this a haircut, once the
15 planning board or the board of adjustment, whatever
16 venue gets it at a later time. It's not like the
17 ordinance passes, the project's approved, it still
18 goes through the normal processing, correct?

19 MS. HOFFMAN: Oh, no, absolutely. It's
20 not the case that this is -- you know, this does not
21 roll over all health, safety and welfare regulations,
22 but that's another reason why we believe that it's
23 most appropriate for the legislative process, because
24 then the Council can actually craft those protections
25 that are important for the surrounding neighborhood,

R. Preiss

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1 and that's not something that the board of adjustment
2 is equipped to do.

3 MAYOR WILDES: Thank you.

4 MR. HERTEN: Mayor, to fully answer
5 your questions, can I also bring up Richard Preiss on
6 the issue of spot zoning. And we have prepared a
7 memorandum that was sent to your city attorney back
8 in mid March of 2018, but there is a COAH component
9 of this that addresses your issue with spot zoning.

10 MAYOR WILDES: I'm actually satisfied.
11 It's up to the Council President, if she wants to
12 hear it.

13 COUNCIL PRESIDENT GLYNN: Very briefly
14 please.

15 MR. PREISS: As I mentioned in my
16 presentation, aside from the RLUIPA and the federal
17 Fair Housing Act, there's also an obligation under
18 the Fair Housing Act of New Jersey to meet your fair
19 share of low and moderate income housing. And that
20 is typically done by legislative action that is by
21 providing zoning which creates the opportunity for
22 low and moderate income housing. And that is done
23 and that has been done in Englewood historically with
24 individual sites that are suitable for that
25 particular suit or rezoned for that purpose. And

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1 under those circumstances, because affordable housing
2 is the objective, you're promoting the public health,
3 welfare and safety, and that is not considered
4 illegal spot zoning.

5 So, first of all, the affirmative
6 obligation rests with the Council.

7 And, second of all, you're immune from
8 the attack of the illegal spot zoning under those
9 circumstances.

10 COUNCIL PRESIDENT GLYNN: Thank you.

11 MR. PREISS: Thank you.

12 COUNCIL PRESIDENT GLYNN: Other
13 questions, anyone?

14 Thank you very much.

15 MR. HERTEN: Thank you.

16 (At this point in the proceeding other
17 matters are discussed.)

18 COUNCIL PRESIDENT GLYNN: Okay. It's
19 now time for the public session. Anyone from the
20 public who cares to speak, please give your name and
21 address, and you have four minutes.

22 Thank you.

23 MS. SHARMA: Hello. My name is Janet
24 Sharma. I'm a resident of Cresskill, but I am the
25 coordinator of the age friendly Englewood project.

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1 I'm a paid consultant for that.

2 I have a concern about the CareOne
3 proposal saying that it meets the COAH and Fair Share
4 Housing requirement for low and moderate income
5 housing.

6 Age Friendly Englewood did a thorough
7 assessment of the community when we started the
8 project a few years ago, and we found that the
9 biggest need among older adults, apart from
10 transportation, is for low income housing while they
11 are aging, not while they've already aged.

12 And also we found that the majority of
13 people want to remain in their homes as they age.
14 They don't want to move out. They don't want to go
15 to assisted living. They want to stay in their
16 homes.

17 Also we know, from studying all of this
18 and from people that we work with, there are a lot of
19 supports available for people who are of low income
20 who want to stay in their homes, if they're really
21 low income. There's long-term services and supports
22 that are available to them in their homes. So I just
23 want to bring that forward.

24 Also, I'm concerned about traffic. I
25 used to work at Dwight Englewood School. I worked

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1 their for six years, and I know that that corner is
2 just awful in terms of traffic. It's better now with
3 the traffic light, but there's still a lot of kids
4 there. Even though they take bus, there's still a
5 lot of kids on the street before and after school,
6 and those would be the times probably when staff is
7 coming in and going out of the CareOne facility. So
8 I'm very concerned about that.

9 Also Moriah School didn't exist when I
10 worked there. I mean, it was much smaller then. And
11 so I'm concerned just about the amount of traffic
12 that involves children and families on that corner.

13 Conceivably, if it's an assisted living
14 facility, there are going to be people with walkers,
15 people with wheelchairs and so forth in that area,
16 and so I'm very concerned about traffic.

17 Thank you.

18 COUNCIL PRESIDENT GLYNN: Thank you
19 very much.

20 MR. SILBERMAN: Jack Silberman, 320
21 Murray Avenue.

22 Just to add my two cents, I'm concerned
23 about the CareOne facility in that if I owned a
24 mansion on either side of that property, I would
25 probably be very much inclined to try to subdivide my

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1 property and make a lot of money on selling it, and
2 I'd have the case to be made well, CareOne got, you
3 know, the slippery slope aspect, you know, they got
4 it, so I would want to have it on my mansion next
5 door. I think you're going to have a problem.

6 I love that corridor. I love the fact
7 that -- I'm more worried about more traffic and more
8 and more buildings that will be commercial buildings
9 going through there. And I just think that that
10 should be left as a gateway getting into town. And I
11 think, I would really not want to disturb it. I
12 think you're going to have a lot of problems, unless
13 we could be assured that there's never going to be
14 more development, but then it will probably look like
15 lower, all the townhouses we have on the lower side,
16 down the hill on Palisade Avenue.

17 The only thing else I'd like to ask is,
18 I've been trying to get paid since January for money.
19 I worked for the environmental commission 12 and
20 13 years, I've never asked for one dime, not one dime
21 back. I paid for all my ways went to seminars and
22 stuff. I didn't even know you could get it,
23 actually. So, you know, money that I put in in
24 January and, yes, \$250 came from 2016, when you
25 couldn't get anyone paid. The city takes forever to

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1 pay people. And I needed to hire, for the
2 environmental affair we had, I paid for the bat man
3 of New Jersey to come, \$250, and I couldn't find the
4 record on that and it's taken me awhile. I figured
5 I'd get it one of these days. And now it's one thing
6 or another, I'm finding that no one wants to pay me.
7 No one wants to pay me.

8 I put in for going to a seminar, New
9 Jersey Tree Society, whatever, that the city has to
10 have volunteers coming, not the city workers have to
11 go. We get a certain number of points.

12 Every time I do something, I've asked,
13 whether it was Tim Dacey, Ellen Foreman for the bat
14 thing that we had, and in this case I asked to go to
15 the seminar. You needed people to go, and I got
16 permission for that.

17 I have no problem, I know you guys take
18 a while to do that, but, I mean, eventually you
19 should just pay me. They shouldn't be coming up with
20 stupid little excuses to pay me.

21 MS. WAZIRMAS: I'll follow-up on that
22 tomorrow. Okay?

23 MR. SILBERMAN: Thank you.

24 I put calls in to Katharine, no one was
25 calling me back. I called Yancy. I know you've got

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1 a lot of stuff going only. I did call a couple weeks
2 ago, I called last week and I called today.

3 MS. WAZIRMAS: I'll follow-up tomorrow.
4 Thank you.

5 MR. SILBERMAN: All right. Thank you.

6 Last thing, I did put an OPRA in for
7 that bank statements, because I think there was some
8 issues going on. We never had, the environmental
9 commission never had access to our bank records, so
10 I've asked for 24 months worth of bank records.

11 MS. WAZIRMAS: They were all emailed to
12 you already.

13 MR. SILBERMAN: Sorry. Thank you. I
14 appreciate it.

15 MR. CARTER: Jeff Carter, 161 Cambridge
16 Avenue, NAACP president.

17 This is to Mr. Mayor.

18 Mr. Mayor, I know you care about the
19 City of Englewood, but I was very upset at your
20 comments at the board of ed meeting where you said
21 our kids who are involved in the brawl committed
22 crimes, instigators, they should be expelled, not
23 suspended, expelled, that's it, prosecuted.

24 Our kids in Englewood, whether you know
25 it or not, come with disenfranchisement, other

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1 things. I never would or should condone any
2 behavior. But at that same time, you are saying it's
3 okay for a board member to go wild, have to be
4 restrained by police, and make no comments on that.

5 Our kids are a valued, trusted goal
6 that we have. Some of them go away, and we should
7 work at it.

8 We have mentoring programs and other
9 things that we have done and we continue to do with
10 them.

11 So when I hear you get up in front of a
12 packed house and say that, yes, they're wrong, but
13 they may come with some issues and we need to fix
14 them, and criminalizing them as a prosecutor and a
15 lawyer, you should never do that.

16 Everyone has a right that they're
17 innocent until proven guilty. So I wish you would
18 stay in your lanes. The board of ed is autonomous
19 from the City Council and the Mayor. And so please
20 stay in your lanes, and if you have comments or
21 something happens, it should be said by the
22 superintendent, principal, or a school board member.

23 Thank you.

24 MAYOR WILDES: Mr. Carter, if I may,
25 Ms. Glynn?

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1 COUNCIL PRESIDENT GLYNN: Yes, Mayor.

2 MAYOR WILDES: There was a ruckus
3 before the school board, when a school board member
4 and a member from the public exchanged epithets, and
5 it got rowdy and the meeting was shut down. Days
6 later, there was an all-out brawl in the school.

7 I won't stay in my lane, if adults are
8 acting in an untoward fashion and children are
9 watching this and follow suit, because they will
10 follow what we do, not what we say.

11 I am a former federal prosecutor, and
12 the criminals who were prosecuted for inciting this
13 and showed up, when they were told not to show up,
14 should be prosecuted, because, unfortunately, they
15 are criminals.

16 The individuals that made mistakes, and
17 kids will make mistakes, the justice department in
18 this city, this chief, this department will make sure
19 that they are not overly punished, and, from what I
20 understand, criminal charges were leveled and only
21 one child was actually expelled, not more than one.

22 I was given an overwhelming trust by
23 this community to speak. I will not stay in my lane
24 while I watch adults screaming at each other and then
25 children brawling and no solution in place. I did

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1 not take a side, on one side, whether it was for the
2 school board member or the person that was screaming
3 or the back and forth. I was there merely as a city
4 leader telling the adults in the room, and I was told
5 by the officer who was there that it did have a
6 calming effect. If you're trying to draw a side as
7 the NAACP leader of this county, you're looking at
8 the wrong action, because, preacher, you're preaching
9 to the choir. I'm on the same side as you over here.
10 These kids need a hand and a help, and I spent the
11 better part of my afternoon this afternoon with
12 students and the student council, my Sabbath, this
13 past Shabbat, I met with six different parents in my
14 backyard, and I am doing a deep dive in the school
15 because I'm not going to stay in my lane, if there's
16 something that needs to be done and nobody is doing
17 thing about it.

18 MR. CARTER: Okay. Well, the NAACP is,
19 and we have been in the schools. We have done
20 monitoring programs. And so while you're in there,
21 we are also, not only in this district but in other
22 districts, we met with the superintendent and we have
23 come up with some solutions.

24 MAYOR WILDES: Good.

25 MR. CARTER: But, again, we are not

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1 criminalizing, and you keep saying "adults." Well,
2 when they turn 18, they are still high school
3 students.

4 MAYOR WILDES: Let's do this together.

5 COUNCIL PRESIDENT GLYNN: Thank you,
6 Mr. Carter.

7 MS. JANSEN: Hi. Diane Jansen, 589
8 Ridgeland Terrace.

9 First, I'd like to say, I'm glad the
10 Mayor is involved in things.

11 MAYOR WILDES: Thank you.

12 MS. JANSEN: Then I would like to say
13 that I also believe, as an inclusive city, that we do
14 need to meet the needs of all the residents,
15 including those residents that are observant and are
16 Jewish.

17 However, I do disagree in the way in
18 which we are meeting those residential needs. I do
19 not believe -- and I don't know if I could hold this
20 mic up here -- okay. I do not believe that building
21 on the Seven Sisters Hill is going to help the
22 situation.

23 And, in fact, this is my third time
24 before you opposing the CareOne proposal on East
25 Palisade Avenue. I was here in August during the

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1 first presentation, as well as in January of this
2 year, asking if the proposal was still before the
3 Council.

4 Since my last public comment on the
5 CareOne proposal, I have spoken with an area assisted
6 living administrator who is tied into other
7 administrators in the area, and I have more to
8 report.

9 As you might know, with Medicare and
10 Medicaid rates for skilled nursing facilities on the
11 decline, more and more are getting into the
12 for-profit assisted living medical business, and,
13 yes, it is a big business. So much so, that there
14 are now too many assisted living beds in the area.

15 As a result of increased competition
16 and an oversupply of beds, one longtime administrator
17 in the business said to me that they are selling
18 units less than they were selling them, at a price
19 less than they were selling them ten years ago.

20 The administrators, in general, are no
21 longer calling it "low occupancy." Instead they're
22 using the term "census challenged," so it sounds a
23 little better.

24 Here in our area, without my knowledge
25 of the Actors Home's number of beds, there are 273

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1 beds at Bristol, 150 in Tenaflly at the Clinton Inn
2 site being developed, 100 beds at Brightview of
3 Tenaflly, 150 beds at Sunrise in Clinton. All have
4 memory care. That's 673 beds, and they are census
5 challenged.

6 Additionally, there's CareOne in
7 Teaneck.

8 Now, I don't know if you know how this
9 works.

10 Yes, they have to have ten percent of
11 the beds for Medicaid, but here's what happens.
12 People are screened. They initially come in as
13 private pay patients. When they spend down all their
14 money, then they're converted to Medicaid.

15 And what happens is, that the
16 facilities are getting all the private pay. In the
17 business, that's called the "cash cow" part of the
18 business.

19 And I hate to be talking about this in
20 terms of dollars and cents, that's why I am not
21 generally for any type of for-profit health care.

22 I have a number of other reasons to
23 oppose this, but I will turn that over to someone
24 else.

25 Thank you.

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1 COUNCIL PRESIDENT GLYNN: Thank you
2 very much.

3 RABBI POUPKO: My name is Chaim Poupko.
4 I live at 324 Audubon Road in Englewood. I've been a
5 resident here now for approximately 14 years. I'm
6 the senior rabbi at Congregation Ahavath Torah, an
7 Orthodox synagogue at 240 Broad Avenue. We have over
8 700 families in our membership.

9 I'll tell you that just yesterday I was
10 sitting in my office and my assistant buzzed me on
11 the intercom to tell me that there was an elderly
12 gentleman who came into the office speaking in a
13 foreign language, and he had fallen in front of the
14 synagogue, and he bumped his head, and they weren't
15 sure what to do, they were providing him care.

16 But I came out and I found that it was
17 a member of my synagogue, a 96-year-old Holocaust
18 survivor who lives at home with his 94-year-old wife
19 and an aide. And he got out. He's suffering from
20 not just the early stages, but the middle stages of
21 dementia. And they just lost track of him for a
22 moment, and he walked out because he believes that
23 every single day is the Sabbath, so he was coming to
24 Sabbath services, even though it was a Monday.

25 And so he became confused and he walked

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1 to our synagogue on his own. And on the sidewalk in
2 front of the synagogue, he fell, and he hit his head
3 and he was bleeding a little bit. Thank God he was
4 okay, but there are a number of elderly families in
5 my community, a number of them suffering, both one
6 spouse and the caregiving spouse from dementia and
7 Alzheimer's. And I know personally from my own
8 experience that such a facility would serve my
9 community to a significant extent. It would be a
10 great benefit for us.

11 There are the Sabbath concerns of
12 walking and putting a facility like this close to our
13 neighborhood would certainly have a significant
14 impact. I think it would make our community more
15 desirable, especially in what we find our sandwich
16 generations, where people are trying to care for
17 their families and their elderly parents. And the
18 facilities that are available to the Orthodox Jews in
19 Englewood are far away, and that creates a further
20 set of challenges. And so that's why personally I'm
21 very supportive of this proposal for the CareOne
22 facility.

23 Thank you.

24 COUNCIL PRESIDENT GLYNN: Thank you
25 very much.

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1 MS. HEDRYCH: Andrea Hedrych, 387
2 Cumberland Avenue.

3 I'm a little nervous up here, so I just
4 want to read something quickly. This has to do with
5 the possible bow hunt that Englewood is considering
6 and all the surrounding towns in Bergen County.

7 It takes nothing away from a human
8 being to be kind to animals.

9 Having said that, I'm saddened to learn
10 once again that there is a strong consideration from
11 many of the city mayors in Bergen County to bow hunt
12 deers or the inhumane approach that we have
13 essentially ourselves created, what a brutal approach
14 to consider when there are humane alternatives. What
15 is an ill considered approach, when it's been proven
16 that hunting and killing deer results in deer
17 becoming more prolific reproducers.

18 The next thing I just want to discuss
19 is what I was talking about before.

20 In a little more detail, two years ago
21 Mr. Volcy, the city engineer, promised that he would
22 remedy the water problem that's been going on behind
23 my street, Cumberland Avenue.

24 Two years ago, he promised to do it.

25 He didn't do it. He doesn't answer my

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1 emails. He doesn't answer my texts. I have once
2 been able to talk to him in-person, because I stopped
3 in multiple times at his office.

4 He promised to do this. I have
5 somebody that witnessed that he promised to do it. I
6 took the next step, and I went to Ed Hynes, and in
7 writing he promised that this was the city's
8 responsibility and that he would do it.

9 But then Ed Hynes was fired or whatever
10 happened. And Mr. Volcy, I managed to pop into his
11 office and he was there. He didn't recognize me with
12 gray hair, because he hadn't seen me for so long. He
13 then started to tell me how they need to survey the
14 property. There's no proper survey of Englewood.
15 And that there was a flood at City Hall and all of
16 the maps were flooded out, so there's no way to get a
17 map.

18 And I happen to know that behind my
19 house, 100 feet behind my house is city property.
20 I've been on this for two years. It's become a
21 full-time job for me, because my property is really
22 being destroyed by the water that is coming down from
23 city property. And it was promised. I have a
24 witness. I have it in writing. I keep going on with
25 this, and it's just so frustrating.

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1 What can I do?

2 COUNCIL PRESIDENT GLYNN: Can you call
3 me tomorrow? I'll give you my card.

4 MS. HEDRYCH: I'd love to. Can I come
5 up here?

6 COUNCIL PRESIDENT GLYNN: Yes, and
7 let's talk about it one-on-one.

8 MS. HEDRYCH: Thanks so much.

9 COUNCIL PRESIDENT GLYNN: I mean that.

10 MS. HEDRYCH: I really appreciate it.

11 MAYOR WILDES: Katharine, on the deer,
12 we're going to be hosting an event here, and I was
13 asked by a citizen, Lisa Whitsofsky (phonetic), who
14 convened something in the hospital, to invite all the
15 mayors and their designees to study this and hear
16 from the state.

17 There's no such plans as I am aware of,
18 it predates now my tenure on this term, to kill any
19 deer, whether by gunfire or bow or any chemical or
20 otherwise.

21 MS. HEDRYCH: Thank you, Mayor.

22 MAYOR WILDES: However, it is a major
23 challenge that we have, and we cannot fix it with a
24 Band-Aid in Englewood. We have need to involve our
25 brother and sister mayors throughout the region and

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1 come up with a solution, and somebody is not going to
2 be happy with that.

3 MS. HEDRYCH: Okay. I have more to say
4 on that subject, and just very quickly -- well, I'll
5 save this for the next meeting. Thank you both so
6 much.

7 COUNCIL PRESIDENT GLYNN: Thank you
8 very much.

9 RABBI REICHMAN: My name is Zev
10 Reichman. I live at 254 Chestnut Street. I'm the
11 rabbi of East Hill Synagogue at 255 Walnut Street.

12 I've lived here in Englewood for
13 17 years.

14 I just want to share an anecdote about
15 members of my community who used to live here in
16 Englewood. This is a couple that survived the
17 Holocaust, went through death camps, a death march, a
18 march that had 1,500 members, only 30 survived.

19 After the war, they married. She had
20 two children who both died before they reached the
21 age of five of Tay-Sachs, and then she had one child,
22 pregnant with a child and the doctor recommended an
23 abortion. She didn't feel that she would have the
24 strength to be able to have a third child who might
25 also have that terrible disease, and the doctor

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1 promised if he had the disease, I'll raise the child.

2 Thankfully, that child did not have the
3 disease. That was her only child. She lived here in
4 Englewood. He lived here in Englewood.

5 About 8 or 9 years ago, she came down
6 with Alzheimer's. There was no place for her here in
7 Englewood. She was a member of my synagogue. Her
8 son was a member of my synagogue.

9 Unfortunately, she had to a facility up
10 near Rockland County. Her son wasn't able to visit
11 her that often. He tried as much as he could. Her
12 grandchildren, her five grandchildren, her reason for
13 living weren't able to visit her that often.

14 A facility like the CareOne facility
15 will be able to help keep families together and
16 enable a lot of people to have much a better life.
17 It will help the elderly. It will help their
18 children. And I would even say it might even help
19 the school issue, because a facility like this where
20 children can go volunteering will also help make
21 children into nicer people.

22 COUNCIL PRESIDENT GLYNN: Thank you.

23 MS. DERMANSKY: Ann Dermansky, 300
24 Catherine Street, Englewood.

25 I'm a little confused about the

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1 proposal that we had for elderly people, of which I'm
2 one these days.

3 Is this assisted living or is this for
4 people as like other CareOnes, like the one in
5 Tenaflly, which is basically a rehab. I've heard both
6 things. I've heard their architect say it's like a
7 "new home." If it's a new home, this isn't just a
8 bed, this has to be a little apartment, something
9 else.

10 Whatever it is, the one other thing I
11 never heard about is: What does this cost?

12 What I did hear is that somehow
13 building this thing will help us with fair housing
14 and affordable housing.

15 I'd like to know, how?

16 I've also heard that this particular
17 project will have no negative impact on the city. I
18 say absolutely it will, because of the rezoning.

19 This area is zoned for single family
20 houses, as far as I know.

21 To change that, to put this particular
22 building there puts all of the beautiful homes there
23 at risk.

24 People love money, and somebody already
25 said what's going to happen is you're going to have

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1 people who are going to want to divide their land.

2 Yes, it will have tremendous negative impact here.

3 I am very concerned about this project.

4 I'm also concerned about the looseness in terms.

5 CareOne, as far as I know, is a
6 deliverer of rehab. People get out of the hospital,
7 and Medicare pays for it.

8 We don't even know what this is going
9 to cost, but from everything I've heard, Medicare is
10 not paying this. And I want to know, are you going
11 to set aside rooms for Section 8 people? I don't
12 believe that this is going to help the people in
13 Englewood who most need help.

14 Thank you.

15 MS. BULLUCK: Amy Bulluck, 312 Howland
16 Avenue, Englewood.

17 A couple of little food for thought in
18 regards to the CareOne project.

19 No. 1, to Diane Jansen's point, she's
20 absolutely correct in that people will use up their
21 private funds, and then they're converted to
22 Medicaid. I know this for a fact, because I nursed
23 my two parents at home on hospice so that they would
24 not have to forfeit everything that they worked for
25 while they lived here in Englewood.

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1 So my question is: How are we going to
2 be assured that that ten percent or whatever that
3 number is of Medicaid eligible residents who would be
4 able to live at this facility are going to be true
5 Medicaid eligible residents and not people who have
6 spent out their private funds or transferred them to
7 their kids over the course of five years, because
8 they only do a five-year lookback.

9 AUDIENCE VOICE: Right. Right.

10 MS. BULLUCK: I would need some
11 reassurance on that.

12 My second question is, I understand the
13 need that this will fulfill for the Jewish community.
14 I do.

15 My question is: Is this facility only
16 for the Jewish community? I'm assuming it's not, but
17 I say that because I want you to have a little bit of
18 food for thought, that there's a community here in
19 Englewood that has survived the Jim Crow South era.

20 And we have that big monstrosity over
21 there on Route 4 for assisted living.

22 CareOne, which is going to meet a need
23 for our Jewish residents, what about our minority
24 residents who don't have the same type of finances
25 that some other residents in Englewood have and who

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1 end up in basically dumping grounds of nursing homes
2 because they have no other option?

3 Thank you.

4 COUNCIL PRESIDENT GLYNN: Thank you.

5 MS. KITTS: Hi. Laurie Kitts. I live
6 at 27 North Woodland Street.

7 I oppose the rezoning in that area. I
8 am the neighbor to the property that is in
9 discussion, and I just found out about this project
10 on Sunday morning.

11 So, for me, there's a lot of talk here
12 about neighbors and being very neighborly, but I am
13 the neighbor, and I never knew anything about this
14 until a friend of mine happened to reach out and I
15 found out. I just happened to live in the
16 neighborhood. So that alone is upsetting, at best.

17 I also sat in with the Mayor for many
18 Han Moory meetings. We spent a lot of time here.
19 Traffic was a huge issue, but there was also issues
20 with topographic, drainage, blasting. There were so
21 many issues and so many meetings, they never pursued
22 building a facility on those properties.

23 I would not want to see that happen. I
24 do agree with them that there may be a need for their
25 community to have a place or for the whole community

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1 to have a place. When I say that, I'm not sure about
2 the walking. If you've ever been to that area of
3 Palisade Avenue and you'd try to walk, there's no
4 sidewalks in that area whatsoever. So I would find
5 that, just from the start, based on what I saw from
6 drawings, there's no sidewalks being proposed, I
7 don't know, I'd be a little bit concerned about that
8 also. But I'd also never like to see it happen.

9 Thank you.

10 MR. WHILBY: Rick Whilby, Englewood,
11 New Jersey.

12 First I want to wish all of the Muslim
13 residents here in Englewood a Happy Ramadan. And I
14 say, you know, peace be upon my brother, the
15 honorable minister Louis Farrakhan. I happen to be a
16 descendent of a never-ending holocaust, a holocaust
17 that has no beginning and it probably has no end, the
18 black holocaust.

19 And we are here in the hells of North
20 America, and the Mayor referenced criminals. This
21 country was built by criminals, by slaves that looked
22 like me.

23 Okay. Furthermore, there's a criminal
24 by the name of Ed Hynes that got employment here in
25 the City of Englewood, made \$190,000, even though he

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1 met the minimum requirements for that. There's
2 criminals that sit on the board of education that
3 want to siphon off funds and destroy our school
4 system.

5 There's criminals within the police
6 department that refuse to hold themselves to the same
7 statutes that they hold citizens.

8 All right. There's a criminal that sat
9 on your planning board, his name is James Demetrakis.
10 We can call him a criminal now, because he plead
11 guilty in a court of law.

12 I don't know if Katharine Glynn
13 considers herself a criminal, because, you know, you
14 just failed to maintain your property. Okay. So,
15 nonetheless, we're talking about criminals. The
16 Mayor talked about criminals.

17 Okay. Me, myself, I went to work one
18 day, because I'm in the repossession business, I
19 picked up a car for a guy that was a police officer.
20 He pull out his gun. Split second, I punched him in
21 the face. Am I a criminal for making a decision like
22 that?

23 Okay. Kids don't do things in school,
24 and there's certain circumstances outside of their
25 control, but to call young men criminals, I've been

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1 there. Me an my brothers have been incarcerated,
2 juvenile detention centers at 10 and 11-years-old.
3 Not because my dad was a failed man, but because we
4 was a product of our environment. You understand?
5 And my mother had to sit there and watch us be
6 shackled at 10 and 11, two brothers with handcuffs
7 through the rotunda in the building in Hackensack.
8 You understand? Am I a criminal?

9 Okay. So we have to be very careful.

10 The bible tells us, okay, God made a
11 covenant to Abraham, and he said his seeds is going
12 to be like the sands of the sea, and they will be
13 scattered to all four corners of the earth. So his
14 children are going to look like everybody in this
15 room, not just people from Europe. Okay. And that
16 covenant stands to this day.

17 There's a lot of people in the city
18 that are engaged in criminal activity, but we don't
19 call them criminals.

20 Tomorrow being Superior Court, okay,
21 when a board member from the board of education, that
22 told me he was going to F me up. Is he a criminal?
23 It's like he almost beat up the police officer there.

24 And another thing, I've been looking
25 through some of these things in the budget meeting,

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1 and I realized that the court clerk hasn't gotten a
2 raise in over 20 years. Okay.

3 They do a wonderful job here in
4 Englewood. They make sure that they keep the records
5 straight. The court is making us money, is
6 generating us money. We need to take care of people
7 that take care of us and stop rewarding criminals,
8 because I got a long list of criminals, but if I
9 start calling the criminals criminals, I'll run out
10 of time. Okay. Period.

11 So have a good night.

12 MR. CAVINESS: Curtis Caviness from
13 Englewood.

14 First I'd like to give a shout-out to
15 Officer Martin. Officer Martin was the only police
16 officer at the board of education meeting. I believe
17 it was on the 11th. He handled himself in a very
18 professional way. He kept tempers down. He was very
19 professional in his duties. I don't believe that
20 there was a need for ten other police officers to
21 show up, but they did, but I'd like to give a
22 personal shout-out to Officer Martin.

23 Even after being chest bumped three
24 times, as the video shows, he still handled himself
25 in a very professional way.

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1 Thank you.

2 COUNCIL PRESIDENT GLYNN: Thank you.

3 RABBI BOTEACH: Rabbi Shmuley Boteach,
4 394 East Palisade Avenue.

5 Mayor Wildes, Madam President, members
6 of the Council, fellow citizens, this is becoming a
7 much more memorable night than I expected.

8 May I first say, because I must, that
9 there is no game of one-upmanship between suffering
10 in the Jewish community and African American
11 communities. The American abomination of slavery and
12 Jim Crow should be rightly condemned by anyone of
13 conscience, as should the anti-Semitism of Louis
14 Farrakhan, whose racial views are in direct
15 contradiction to the soaring oratory of the greatest
16 American of the 20th century, Martin Luther King, who
17 articulated the biblical image of all human beings
18 being created equally in the image of God.

19 It is rare that I find myself in
20 conflict as a rabbi and as a private citizen. I hope
21 usually that my values pertain to both roles.

22 By right as a rabbi, and perhaps with
23 this I might even be able to speak on behalf of my
24 rabbinic colleagues. By right tonight, we should
25 really be doing communal events commemorating the

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1 fallen Israeli soldiers for Israel's Memorial Day, a
2 tiny majestic democracy who fights to uphold Western
3 style American values in the Middle Eastern sea of
4 tyranny.

5 Instead we're here, dividing a
6 community over a very important issue, whether or not
7 a facility for the elderly and the infirm should be
8 created.

9 And I have to be honest, because
10 honesty is the best policy, I myself am conflicted.

11 Mr. Straus is an honorable man. He
12 comes from a family of honorable people who are
13 philanthropists, they are religious people, they are
14 activists in the community, and we should acknowledge
15 that they are universally regarded and respected.

16 But I am a father and I live directly
17 across the street from that development, directly
18 across the street. My children play there. My
19 son-in-law is here, his children. I was playing with
20 them today. What do I put first, the communal needs
21 or my own? Am I being selfish if I insist on my own?

22 I'm genuinely conflicted. And what I
23 would ask this committee, the Council, is two things.

24 Firstly, can you please ensure that
25 this entire process is absolutely transparent,

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1 because we at least deserve to know exactly what is
2 going to be happening.

3 And, secondly, make your minds up about
4 what you want to do about that corner where I live,
5 the corner of East Palisade and Woodland.

6 Because ten years ago at this time in
7 2009, Mayor Wildes was in his first term as Mayor,
8 joined me in trying to prevent one of the world's
9 foremost terrorists from moving into that home that
10 was my next door neighbor. And I don't know who gave
11 the government of Libya the permit to develop that
12 property in the first place, that was calling for the
13 annihilation of my people, a man who was a state
14 sponsor of terrorists recognized by the United States
15 of American and the State Department. And Gaddafi
16 was coming here, and we stopped him, and at that time
17 I said, "What is going on with that corner? Is it
18 industrial, is it residential, is it institutional?"

19 Put yourselves in my shoes for a
20 moment. I tried to setup a synagogue there, a small
21 synagogue, because, unlike many of the rabbis here, I
22 deal primarily with Jews who are not that observant
23 or non-Jews. People come to my home who are not
24 Jewish, who want to be influenced by universal Jewish
25 values.

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1 The head of the planning board, Lewis
2 Baer, who is not here tonight, was a regular
3 congregant.

4 Maybe the more traditional shuls were
5 not something that appealed to him -- I'm sorry, if
6 I'm going over my time, I'll end -- and the synagogue
7 was blocked by the city saying that it was too
8 public.

9 COUNCIL PRESIDENT GLYNN: Thank you
10 very much.

11 RABBI BOTEACH: So I just want to say,
12 make up your minds because we deserve to know. I
13 have not yet made up my mind, but it is either all
14 one thing or all the other, it's all industrial, it's
15 institutional or it's private, but we deserve to
16 know.

17 Thank you.

18 COUNCIL PRESIDENT GLYNN: Rabbi, thank
19 you.

20 MS. VOGEL: Laura Vogel, 318 Marlboro
21 Road.

22 First of all, thank you, Janet Sharma,
23 for bringing up those important issues and
24 statistics, things that you've gathered about what
25 the needs of what seniors are.

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1 And I don't think any of us here is not
2 sympathetic, because we've all been through it with
3 aging parents and family members, and how difficult
4 it is emotionally and financially, of course.

5 But I do think that it's time for the
6 city to consider the needs of those who would need
7 housing, and I agree with Janet, before they need, as
8 we're beginning to age. And that's just where I am,
9 do I want to keep my house.

10 I know that I cannot afford the Bristol
11 or any of the other assisted living facilities in the
12 area. And these are real problems that we all have
13 and we all have to consider.

14 But I also want to make sure that we
15 preserve our residential areas.

16 To quote somebody that I respect a lot,
17 "We give up our zoning an inch at a time." And I
18 think that's an important issue to consider.

19 Now, there's something else perhaps
20 that might solve some of the problem in the
21 residential area there that people want to feel that
22 they want to have their families close by, and I've
23 seen advertisements in the newspaper. For instance,
24 CareOne has a memory home. They bought a large old
25 mansion in Paramus. Am I right about that? I've

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1 seen it advertised. And they bought the house and
2 they converted that house into a small facility, so
3 it doesn't change the residential community. There
4 were like 10 or 15 residents who live in the home,
5 and it's a way to preserve even a lot of our old
6 homes. Why not consider doing that on the hill? Why
7 not consider that? It preserves the residential, as
8 well as it's smaller facilities. And we certainly
9 have a lot of large houses up there for sale. Is the
10 Gloria house still for sale, I think? Imagine how
11 many people you can house in there, right, without
12 having to do that. And I know CareOne has done it,
13 I've seen it advertised. I believe it's in Paramus.

14 And if I have another minute, about the
15 deer hunting that's possibly being spoken about.
16 We're back to this again. We've discussed this
17 before. Anybody on the Council at the time when this
18 was being discussed? I don't remember. And we had
19 the state come in. And I have to tell you, the state
20 pushes deer hunting. Why? At the time Christie was
21 in. He was bowing down to the hunters. And what he
22 did, which you got to consider seriously, if you're
23 going to consider bow hunting in this city, is
24 Christie changed the law that you could bow hunt
25 within 150 feet from a private residence.

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1 Could you imagine somebody 150 feet
2 from your house with one of those power bows? And
3 also, they have to be a damn good shot, because when
4 you look online about bow hunting, if you don't hit
5 that deer to kill -- and it's a horrible way. They
6 die, they bleed out, they die slowly.

7 And if you're a lousy shot, that deer
8 is walking around with the bow sticking out of his
9 hind or wherever else. It's disgusting. So consider
10 that. Okay. That's all we need is deer with bows
11 coming out down Palisade Avenue sticking out for our
12 children to see. Okay. I'm not kidding, look online
13 about this. 150 feet from your house.

14 COUNCIL PRESIDENT GLYNN: Thank you.

15 MS. VOGEL: You're welcome.

16 RABBI BOUSBIB: Good evening. My name
17 is Gabriel Bousbib.

18 Madam President, Mr. Mayor, members of
19 the Council, I live at 296 Thornton Road.

20 I first like to share with you a small
21 anecdote that in my opinion illustrates the need that
22 our community has for the CareOne facility.

23 For the last three years of his life,
24 my father lived in a CareOne facility in Teaneck.
25 And because he was in Teaneck, it was not possible

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1 for me and my children to visit him on the Sabbath
2 and the holidays, which certainly had, you know, a
3 meaningful impact on us.

4 So having a CareOne facility which
5 would cater to our community within walking distance,
6 and it is possible to walk on North Woodland, you
7 know we've done it many times when we go to services
8 at Moriah, for example. We can walk. There are
9 sidewalks on North Woodland. And this will make a
10 tremendous, tremendous difference certainly for our
11 community and for Englewood at-large.

12 What I haven't heard discussed tonight
13 as well is, of course we need to balance the
14 development needs of Englewood versus the character
15 of the city. But this kind of facility, done
16 properly, can add revenue to the city, can attract
17 residents. And I think maybe it was the rabbi who
18 mentioned earlier, the sandwich generation, people
19 that have aging parents and have also children and
20 will be enticed to move into Englewood that will help
21 support the real estate values in Englewood at-large,
22 which obviously increases the tax bases for the city
23 and will help generate additional revenue for the
24 city.

25 I wish to conclude by saying that the

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1 owners of CareOne, the Straus family, are experienced
2 operators of these kind of facilities. I have seen
3 it firsthand in my personal experience with my father
4 in Teaneck. And they will know how to run this
5 facility and how to integrate properly this facility
6 in Englewood.

7 Thank you.

8 COUNCIL PRESIDENT GLYNN: Thank you.

9 MS. SCHOEN: Charlotte Bennett Schoen,
10 337 Audubon Road, Englewood.

11 And my best regards to the Council, to
12 my neighbors, to my friends that are here.

13 I come with a question tonight, because
14 I received multiple emails asking me to come tonight
15 to put this question.

16 I sat on the council for six years, and
17 there was never a process like this in front of the
18 Council.

19 The Mayor alluded to spot zoning.
20 People are concerned about spot zoning.

21 We live in a town that has a planning
22 board, a board of adjustment, and a Master Plan. I
23 have no doubt that there's lovely people involved and
24 valid issues, but we're in the wrong place at the
25 wrong time. This is a City Council. We are not the

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1 planning board. We are not the board of adjustment.
2 And we are not working on the Master Plan. So on
3 behalf of myself as a resident and the people that
4 live there, address the issue, but send it to the
5 right place.

6 RABBI GENACK: Menachem Genack, rabbi
7 in Congregation Shomrei Emunah. I live at 129
8 Meadowbrook Road. I live in Englewood since 1980.

9 So I just want to address a few of the
10 issues that were mentioned by some of the people on
11 line before me.

12 First of all, I think it's very
13 important to recognize this particular facility is
14 going to have set aside 60 percent of the people will
15 be for people with memory loss, Alzheimer's, which is
16 unfortunately a hugely growing population.

17 In terms of whether enough assisted
18 living facilities in our area, CareOne as a rule has
19 a 95 percent occupancy rate, which tells you, first
20 of all, that it gives very good care and that there's
21 a dramatic need, and it's not open space, so to
22 speak, in terms of assisted living facilities in our
23 area.

24 What was mentioned before in terms of
25 my community, specifically in terms of the walking

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1 distance, the general plan didn't accommodate that,
2 and I think that's important.

3 Also, it's beneficial for the
4 community, because they're going to train the nurses
5 and the assistants in this particular facility.
6 They're going to train them, and it's going to create
7 jobs for people within our community in all kinds of
8 areas.

9 In terms of why it's being discussed
10 here as opposed to a planning board, I think that was
11 made clear before. In terms of federal law, in terms
12 of the Fair Housing law, this is considered because
13 it's for the benefit of both for seniors and because
14 of the religious considerations, has a special
15 status, and ultimately that's why it should be
16 discussed here. And it's not something that can
17 really be -- you know, we want Englewood to avoid
18 litigation, which is expensive, that's why it belongs
19 here. It's inherently beneficial for the community,
20 for the general community, not only Jewish community.

21 It will create jobs and it solves a
22 really important problem for a specific community in
23 that area.

24 And in terms of, you know, was
25 mentioned before, there have been studies done in

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1 terms of what impact it will have on the traffic in
2 that area. It will be minimal.

3 In terms of the aesthetics of it, it
4 will blend completely in. It will be a tutor. I
5 live in a tutor house in Englewood also, I'm partial
6 to tutor, and that's why I recommend it belongs here
7 at this Council.

8 COUNCIL PRESIDENT GLYNN: Thank you.

9 MR. GAGLIARDI: Christopher C.
10 Gagliardi, 165 West Street, Apt. D, Englewood, New
11 Jersey.

12 Members of the Council, fellow citizens
13 of Englewood.

14 I applaud the fact that you all are
15 talking about CareOne housing and other pending
16 issues that are important.

17 One of the reasons why I came tonight
18 was to hear about the CareOne housing. I want to
19 explain why right now I am leaning towards the
20 important issue.

21 I want to take you back to a certain
22 time period, 1980. There was a woman who gave birth
23 to a 38-year-old son. A son born with a challenge
24 called "infantile autism."

25 And one of the reasons why this woman

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1 did not put her son in an institution or group home
2 was because she believed there was a future for him
3 to come before City Councils like this or speaking
4 gigs like this and to really stand up for what's
5 right to make things accessible.

6 Along the way, she had certain
7 sacrifices she made, such as having breast cancer
8 three times. Eventually having her body part
9 removed. And dealing with infection, fighting to
10 recover. Spinal surgery, which was the result of a
11 collapsed spine. A vertebra neck that also was
12 surgery. Again, cancer again for the fourth time.
13 She also had to dealt with asthma, pneumonia,
14 bronchitis, which she is going through again. And
15 now the most difficult battle of all, the simple L
16 word, lymphoma.

17 Can you imagine the many health
18 sacrifices this woman had to make to raise an
19 autistic son so he could deal with certain issues
20 like this, where he could be cared for in homes such
21 as the one that we want to have in our city?

22 That woman's name, if most of you don't
23 know is Lynda Grace Monahan Gagliari. That is me.
24 That is my mother and I am her son.

25 I speak before you, because I want this

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1 residency, not just for the seniors and elderly, for
2 all denominations, but especially those who have
3 special needs, so they can live a life of freedom
4 with help and care, especially those who are on the
5 Autism Spectrum Disorder.

6 I myself, a 38-year-old autistic
7 citizen, believe that with this kind of housing, it
8 can help a great deal, make it compliant with ADA
9 laws and so forth, and also sensitivity for families
10 on the Autism Spectrum Disorder.

11 We should also make sure that it's
12 accessible as well for public transportation for
13 people who want to go places and do things.

14 I don't oppose it, but I do support it
15 for all the simple reasons, because one day my mother
16 may go from this earth, where am I going to live?
17 Where am I going to live? That's the question all of
18 us should answer now. That's why this housing is
19 important, not just for the elderly, and not just for
20 denominations of all nationalities and so forth, but
21 it should also be accessible for people like myself
22 to live a life of content and to continue the
23 fighting, the good fight of faith so that we can make
24 a difference.

25 COUNCIL PRESIDENT GLYNN: Thank you.

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1 MAYOR WILDES: Katharine, just to
2 congratulate Chris, he was published this week on
3 page 8 of the school Torch paper, the Bergen
4 Community College, perhaps one of our most articulate
5 citizens. Thank you, Chris, for your contribution.

6 MR. GAGLIARDI: Thank you.

7 MR. SCOTT: Wayne Scott, resident of
8 Englewood, taxpayer, and I happen to be the Zoning
9 Official for the City of Englewood.

10 When I heard the presentation that was
11 made by CareOne, I heard some misinformation that was
12 given.

13 I don't have a weigh in one way or the
14 other, but I happen to have some knowledge about
15 zoning.

16 I heard the term for the RIM district
17 referred to, it's the Research, Industry and
18 Mechanical District. That was incorrect. It's
19 actually the Research, Industry and Medical district.
20 It was a product of the 2014 Master Plan review.

21 I apologize, I'm not articulate at all,
22 I don't public speak, but I thought I should say
23 something.

24 In that mindset which was presented
25 during that Master Plan review that medical uses is

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1 what would be permitted in that district, not
2 mechanical. It was moved from that industrial
3 mechanical kind of thinking to move towards something
4 that was more along the lines of medical use. That's
5 why it's RIM. And I point that out because I
6 encourage the Council that if you're going to pursue
7 considering this, that you should become as educated
8 about land use as you can.

9 I think a lot of people probably figure
10 they know stuff. They might have, because of their
11 personal expertise, attorneys, or whatever, but land
12 use is a different kind of animal, it's a different
13 creature, which is why normally a plan comes past my
14 desk. I'm the person who reviews all plans that come
15 in.

16 I found out about this when I was on my
17 way into the meeting today. I never heard about it.
18 I was out on medical leave for quite a while, so
19 maybe I missed it. But normally something like this
20 would come before my desk, I would review it.

21 I want to be careful that I'm not
22 saying anything I shouldn't be saying. I'm not an
23 attorney. Bill, help me.

24 MR. BAILEY: Okay.

25 MR. SCOTT: But it normally comes

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1 before the zoning Official, he reviews it and sends
2 it to the appropriate board.

3 This came in another way, and I had no
4 idea it was happening. And I'm only saying that to
5 suggest to you that you, if you're going to
6 deliberate about this, become educated.

7 I trust that the planning board and the
8 board of adjustment, they are educated and they have
9 experience in dealing with these types of things.

10 I also want to throw caution that if
11 you entertain it, and this is a question, whether it
12 might prejudice any future case that might go before
13 the planning board or board of adjustment in that
14 it's been heard already. And you might want to take
15 care of that, to consider that.

16 I heard it said that it's appropriate
17 for the City Council. And my question to the City
18 Council is: Do you feel that you're more educated
19 about this type of thing than the board of adjustment
20 or planning board?

21 I wanted to ask another question, and
22 that question is: Where's the council with the
23 budget. I saw a podcast or whatever, a video, where
24 there were things that were brought up about the
25 budget during the last meeting, I think it was a week

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1 or so ago, and it was kind of like slighted. It
2 wasn't answered. Someone who works for the City of
3 Englewood presented a question to the Council about
4 the budget, and it just moved on to something else.

5 I hope that the City Council is
6 appreciative to its employees and its residents who
7 work and live in town, and they would like to know
8 the answers to some of the things that came up on the
9 budget. I know that there was some deserving
10 displacements, I'll say, with the city manager,
11 whatever, but I hope that that doesn't throw
12 everything off and that you guys focus on some of the
13 things that are already on the table.

14 COUNCIL PRESIDENT GLYNN: Thank you,
15 Mr. Scott. We appreciate your feedback.

16 MR. SCOTT: One other thing.

17 COUNCIL PRESIDENT GLYNN: Your time is
18 up.

19 MR. SCOTT: Very quickly.

20 COUNCIL PRESIDENT GLYNN: 30 seconds.

21 MR. SCOTT: Okay.

22 The last mayor, I attended the planning
23 board meeting when they were talking about the Master
24 Plan, and I suggested that I might offer my services,
25 and I was told that the meeting was public

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1 information or something; in other words, I was
2 dismissed.

3 I would like to suggest that if you
4 have any inclination, if you're going to go forward
5 with hearing anything that has to do with zoning --

6 COUNCIL PRESIDENT GLYNN: Thank you.

7 MR. SCOTT: -- I'm available pro bono.

8 COUNCIL PRESIDENT GLYNN: We appreciate
9 that. Thank you very much.

10 MR. HOYLE: Good evening, Joseph Hoyle,
11 Elmore Avenue, Englewood.

12 There's been a lot of talk tonight
13 about school, the school, an issue that we had at our
14 high school. It's very disturbing, but more
15 disturbing is characterizing our children as
16 criminals. That's not a good thing.

17 I have to applaud the president of the
18 NAACP for having the foresight and initiative to try
19 to do something about the situation, to try to make a
20 difference and change it, change the outcome in the
21 future where there's not going to be a fight.

22 And I don't know if everyone here is
23 aware of it, but today we had a mass shooting in
24 Colorado, and unfortunately, one of their students
25 perished as a result of the gunfire. Several others

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1 were wounded.

2 We are just blessed and fortunate that
3 we haven't had a situation like that in our school
4 system, and I would pray that we continue to be
5 blessed on that, and that we get more people to come
6 forward with some type of initiative how to avoid
7 confrontations in the school system.

8 But what I also would like to ask the
9 Council is a question pertaining to how the city goes
10 about hiring contractors. And I guess I shouldn't
11 say "contractors," I'm trying to be more specific and
12 talk about how does the city hire doctors to do
13 evaluations and physicals? Is that a bidding process
14 with the doctors or is it someone appoints the city
15 doctor?

16 MR. BAILEY: If I may.

17 Professional services such as doctors,
18 engineers, that's generally not bid, that's not
19 required to be. Under the public contracts law,
20 that's a professional services exemption. So it
21 doesn't have to be bid. Frankly, I don't know, I
22 know we have a city physician --

23 MR. HOYLE: Correct.

24 MR. BAILEY: Her name escapes me at a
25 the moment.

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1 MR. HOYLE: But we also have what is a
2 psychological examiner, I don't know if he's on
3 retainer, that's where the question is coming from.

4 MR. BAILEY: Oh, for potential
5 employees type of thing?

6 MR. HOYLE: Correct.

7 MR. BAILEY: I'm not involved in that.
8 I'm not sure.

9 The labor attorney I could check with.

10 MR. HOYLE: Okay. So that that's not
11 an appointment or anything?

12 MR. BAILEY: No.

13 MR. HOYLE: Because I have some
14 concerns with the one that we currently have, and
15 we've been doing a lot of business with this
16 particular doctor. And there are some disparities in
17 his judgment that have resulted in a lot of
18 applicants having life changing experiences and not
19 afforded opportunities. And I would just like
20 whoever may be in charge of that or able to influence
21 the hiring of these doctors in the future, to really
22 look into it and take a serious look at the current
23 doctor that we have, because there's some major
24 disparities in the way that he's conducting himself
25 as a doctor.

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1 COUNCIL PRESIDENT GLYNN: Thank you
2 very much. We'll look into it will.

3 MR. PELLER: Good evening.

4 Charles Peller, Fair Lawn, New Jersey.

5 I just want to speak on priorities a
6 little right now.

7 I have a cousin who lives at 111, and
8 at this very moment she's afraid to come out of her
9 apartment because of the drugs and people getting
10 high.

11 During your prior administration, this
12 has been going on. There's been a few major drug
13 busts there, there was a prostitution bust, I
14 understand, that was in 111. This has been going on
15 for quite a while. It seems like when the bust is
16 done, it will slow down for a month or two, and it
17 goes back to doing the same thing, which tells me
18 that none of you care. That's what it says.

19 The fact that nothing's been done about
20 it in all these years, it's the same as the school
21 system. Okay. I graduated Dwight Morrow High
22 School, I didn't graduate, I left in '75 because I
23 got married. Dumb ass.

24 You know, when you invite your science
25 teacher to your wedding, you're too young to get

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1 married.

2 What I'm saying is, it's the same
3 thing. For decades, it's been going on, and the same
4 thing here. So to think about and even looking at
5 opening another place, while the people in our town
6 are living in the way they're living is kind of
7 ridiculous to me.

8 I'm not saying that it can't happen,
9 the CareOne, but you're not taking care of what you
10 should be taking care of.

11 And I hate to look at this way also,
12 but it's a fact and it's the truth. Look at the
13 demographic of people who are living in 111, okay.
14 It's people from the Fourth Ward, it's people who
15 have worked in this town a lot their lives. A lot of
16 them work for the city, for the DPW. And these
17 people are actually being pooped on. The living
18 conditions there are not that great. There are
19 people in the building who are getting high,
20 residents who are getting high, letting people in
21 from the street, young people who are getting high,
22 and it's very unsafe for them. So before we move on
23 to other things, like a bigger CareOne, I think that
24 that should be addressed, because it's a damn shame
25 the way those people are living.

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1 Thank you.

2 COUNCIL PRESIDENT GLYNN: Thank you
3 very much.

4 MAYOR WILDES: Ms. Glynn, before the
5 next speaker comes up, we exchanged a phone call last
6 evening about midnight where the gentleman asked if I
7 would put him up in the Crown Plaza Hotel for the
8 next four evenings, and we have exchanged multiple
9 texts and emails because he was woken from his sleep
10 and will be for the next four or five evenings,
11 because somebody at City Hall arranged for Verizon,
12 and I have ridiculous videos, as we speak, to start
13 working at 10:00 at night and go until 4:30, 5:00 in
14 the morning. He requires eight hours sleep for the
15 kind of work he does, I told him to come out this
16 evening because he can't sleep and he was a block
17 away at Town Center.

18 MR. BENSON: Thank you, Mr. Mayor.

19 My name is Mark Benson. I'm a resident
20 of Englewood for the past ten years. I live at 20 W.
21 Palisade Avenue, which is right on the Main Street.

22 At 8:00 last evening, there was some
23 disturbance, and, to cut a long story short, it
24 turned out there was major construction work that
25 went on until almost 3:00 a.m. on West Palisade

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1 Avenue.

2 I went out. I spoke to several
3 policemen and I spoke to the contractors. It turns
4 out Verizon are laying FiOS cables for the next five
5 nights, this being No. 4 of night five.

6 I and the residents of my building had
7 not been informed. The management of my building had
8 not been informed. Apparently, there was so many
9 flimsy flyers that were being handed around the shops
10 on the Main Street. And as a consequence, and to Mr.
11 Wildes' point, I lay awake until 3:00 this morning.
12 I then had a migraine. I was unable to take my
13 personal training class at 5:00 a.m. this morning. I
14 was unable to work. I had a major migraine all the
15 day and I have not slept. And this evening at 9:00
16 the work commenced again.

17 I sent Mr. Wildes four videos just for
18 reference. And this work is going on until 4:00 in
19 the morning, and it's going on for the next three
20 nights until 4:00 in the morning from 8:00 in the
21 evening.

22 We were not consulted about this. We
23 were not advised about this. This is a major, major
24 disturbance. I have not slept since I woke up on
25 Sunday morning at 8:00 a.m., and I'm not very happy,

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1 and I'd like to some answers.

2 COUNCIL PRESIDENT GLYNN: I can
3 empathize why you're not very happy.

4 Yancy, do you have any update?

5 MR. PELLER: Yancy and I met today, by
6 the way. I came to see her in the office on Mr.
7 Wildes advice. And I did confirm our meeting by
8 email afterwards to Yancy and Mr. Wildes and the
9 engineering director of the town, just to follow
10 through on what you had told me, Yancy, and the lack
11 of transparency that I found with you, you were very
12 helpful, very charming but no transparency.

13 MS. WAZIRMAS: I gave you whatever
14 information I had.

15 MS. PELLER: Which was none, basically.

16 MS. WAZIRMAS: Which was none.

17 MR. PELLER: You washed your hands of
18 it, you said you don't know anything about it, you've
19 only been here a week, and it all to do with three
20 other parties which are totally out of your hands.

21 And as a resident of this town. You
22 know, living, I can be very privileged in a nice
23 building paying a big rent is not acceptable.

24 MS. WAZIRMAS: The only thing I can
25 explain to the Council is this is Verizon. We didn't

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1 go to Verizon, they came to us, as far as I know.
2 It's a utility --

3 MR. PELLER: So --

4 MS. WAZIRMAS: They can do whatever
5 they please.

6 MR. PELLER: I beg your pardon. I
7 don't wish to interrupt you.

8 MS. WAZIRMAS: We were provided with
9 two options. One is to have a -- I spoke to the
10 engineer, two options, either you shutdown Palisade
11 Avenue all day long in the middle of rush hour,
12 create a traffic nightmare and affect our local
13 businesses, or, unfortunately, do this in the middle
14 of night and affect the residents.

15 And as I explained to you, this was the
16 lesser of the two evils.

17 MR. PELLER: So you wouldn't affect a
18 handful of businesses on the main street, which you
19 could actually still walk to, and it could be a
20 traffic diversion. You're now affecting dozens and
21 dozens of residents who can't sleep at night.

22 MS. WAZIRMAS: I didn't make this
23 decision, I just explained to you what happened.

24 MR. PELLER: In my view, a utility is a
25 water facility, a water, is a gas. Verizon is a

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1 multinational corporation and are making money out of
2 laying those cables. It is not an absolute
3 necessity, it is a moneymaker for FiOS. It is not
4 about people getting electricity, it's not about them
5 getting gas or water, which are essentials for
6 living, it's about 21st century luxuries of living.

7 MS. WAZIRMAS: I can't explain any of
8 that to you. I don't know why you're attacking me,
9 but I'm explaining to you --

10 MR. PELLER: I'm not attacking you,
11 Yancy, please.

12 MS. WAZIRMAS: They are a utility.
13 Whether you like it or not, they are a utility.

14 COUNCIL PRESIDENT GLYNN: We apologize
15 to you for that, for the inconvenience this has
16 caused you. And it doesn't appear it's anything we
17 can change at the moment, but you raise a very valid
18 concern, and when this arises again, we will take
19 residents --

20 MR. PELLER: So counselor, if I want to
21 say -- again I don't mean to interrupt you, what
22 you're saying is why don't you ask the people
23 concerned what they would like. Would they like
24 traffic to be diverted for five days or would they
25 like to be kept awake until 4:00 in the morning and

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1 not be able to sleep after that, because they're so
2 stressed for five days.

3 COUNCIL PRESIDENT GLYNN: Point well
4 taken, and thank you for your comments.

5 MR. PELLER: So can we hold the work,
6 and then you can canvas everybody and decide so for
7 the next three light nights I'll be able to go to
8 work. I have a major presentation for a major a
9 account in two days time in Manhattan, and I cannot
10 sleep.

11 COUNCIL PRESIDENT GLYNN: Again, I'm
12 very sorry.

13 MR. PELLER: If I lose that account, I
14 will be not able -- that's my major account.

15 COUNCIL PRESIDENT GLYNN: Apologies to
16 you.

17 MR. PELLER: Well, apologies won't work
18 if I don't get that account.

19 COUNCIL PRESIDENT GLYNN: I appreciate
20 that.

21 Let me give you my card, maybe we can
22 talk about this again tomorrow. I'll see if I can
23 provide anything else to you.

24 MR. PELLER: Okay. And for full
25 transparency, because I'm not looking to pick an

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1 argument, I'm really, really not, I love this town,
2 I'm not from this country. I fell in love with this
3 place when I first came ten years ago. I don't want
4 to live anywhere in America, but I have contacted two
5 local TV stations who will be in touch with you
6 tomorrow morning, because talking to them tonight,
7 sending them the video I sent Michael, they also see
8 this as unacceptable.

9 COUNCIL PRESIDENT GLYNN: Very good. I
10 don't know if you want my card?

11 MR. PELLER: Oh, yes, please.

12 COUNCIL PRESIDENT GLYNN: Thank you,
13 and, again, we're very sorry.

14 MR. PELLER: Thanks so much for your
15 time.

16 MR. JANSEN: My name is Pete Jansen,
17 589 Ridgeland Terrace.

18 And I would just like to let you all
19 know that I've experienced giving parents and in-laws
20 quality of life as they aged, and that included
21 taking them by ambulance to my house for holidays.

22 And I agree completely that the health
23 care needs of the elderly need to be addressed, but
24 not in that location, and I will explain why.

25 The Master Plan calls for keeping

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1 residential areas residential. One of the guiding
2 principles is "preserve neighborhood character,
3 preserve neighborhood character." It must repeat at
4 least ten times during that document.

5 And this is essentially true for
6 Palisade Avenue, as part of the Seven Sisters Hill
7 and one of the historic gateways to our community.

8 The people that enter assisted living
9 these days, it's not until much later, not until the
10 last 18 months of their lives. So they're waiting
11 longer, and they're older when they get there and
12 they all have memory loss. And this means sicker
13 residents, more trips to the doctor, as well to the
14 hospital during the day and during the night via
15 ambulette or ambulance. This could leave many times
16 per day.

17 This type of traffic also changes the
18 quality of residential life in that area with
19 deliveries. Additionally, the day shift of medical
20 staff would be coming and going as schoolchildren
21 from Dwight Englewood are crossing the street and
22 going to school and from nearby Moriah School.

23 In addition to the early morning,
24 afternoon, and late shift patient care worker shifts,
25 there is also the 8:00 a.m. to 4:00 p.m. office staff

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1 shift for the people that work there full-time.

2 The entire area is already
3 over-congested. I know, because I drive it every day
4 to work. In the morning, two lanes go to one. This
5 is going up Palisade Avenue. And from 7 to 9:30,
6 it's at the absolute maximum bumper to bumper
7 capacity.

8 And they gave us numbers that said oh,
9 it's 1 or 2 per minute additional, but it doesn't
10 work like that. Anybody that knows traffic, knows
11 that traffic comes in slugs. There's points where
12 it's not so busy, and then there's points where it's
13 so busy you don't move. And this is just not on
14 Palisade Avenue, it goes from Jones Road all the way
15 up to Englewood Cliffs. It also backs up on Jones
16 Road all the back to Route 4 at every stop sign on
17 Jones Road.

18 And, finally, the site planner has not
19 done his homework. This is the steepest section of
20 Englewood, and it's not a regularly walked area. The
21 elevations -- I did do my homework, he didn't do his
22 homework. I went back and looked at topographical
23 maps. The Torah on Broad Avenue is at elevation of
24 100 feet. The proposed facility is at 320 feet.
25 That's a vertical climb of 220 feet, it's like

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1 walking 22 flights of stairs. Nobody is going to do
2 that every day or every Friday or Saturday.

3 A much more logical location would be
4 somewhere down near Broad Avenue or lower.
5 Three-quarters of Wards 1 and 2 is on that lower
6 plateau. It's only on that steep east section where
7 it gets very steep and it's inaccessible for
8 walkers, effectively.

9 Thank you.

10 COUNCIL PRESIDENT GLYNN: Thank you
11 very much.

12 MR. BENAROYA: I am Raphael Benaroya.
13 I have lived in Englewood for 43 years. And all my
14 kids and my grandkids live in Englewood. All in
15 separate homes, of course, not in the same house.

16 There should be no doubt that I have a
17 direct concern about the quality of life in Englewood
18 and I have a great interest in the quality of life in
19 Englewood.

20 On behalf of quite a few neighbors, I
21 approached the developer, when the discussion started
22 and with the concerns about the look and the use,
23 both form and function.

24 They've been extremely receptive to
25 hearing the neighbors. They've been extremely

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1 receptive to suggestions.

2 My big concern, besides function, is
3 maintaining the residential form and the aesthetics
4 of the neighborhood and this particular corner.

5 I can't tell you how many hours we
6 spent actually going through blueprints, working with
7 the developers, working with the architect, and
8 ensuing changes that came, change after change in
9 order to get the perfection of the image and the look
10 and the facade and the structure that you saw today.

11 I want to impress upon you that you
12 have an outstanding developer here. I'm not getting
13 paid after this presentation. The many hours I spent
14 on the project, I do not get paid for, nor am I
15 seeking any payment for. These are drastic concerned
16 citizens of almost 45 years of this town.

17 This is not only the right project for
18 this area, also this is a project that is being done
19 right. And I urge this esteemed City Council to
20 consider this favorably.

21 Thank you.

22 COUNCIL PRESIDENT GLYNN: Thank you
23 very much.

24 MS. GREENBERG: Sandy Greenberg, 449
25 Liberty Road.

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1 It's interesting to me that I follow
2 Mr. Benaroya. Last time we fought together against
3 Home Depot, right, on the same side. And that shows
4 in the community, sometimes we agree, sometimes we
5 don't.

6 This has clearly many issues, and the
7 first thing I want to ask you is: Will there be any
8 other opportunities to discuss this before the
9 Council?

10 Because with the limited time allowed
11 each person, I cannot even begin to speak of the
12 things that I am concerned about and have been
13 working on for about 60 years in this community.

14 So could you tell me, will there be any
15 other time as far as you know?

16 COUNCIL PRESIDENT GLYNN: I don't have
17 an answer for you. I think it depends on the
18 Council's discussions.

19 We appreciate the fact that people do
20 want to speak out about it, so we'll take that very
21 seriously.

22 MR. BAILEY: If the Council did decide
23 to move forward with considering it, just the process
24 is as follows: An ordinance would have to be drafted
25 and introduced. Then it has to be referred to the

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1 planting board, who has to have a hearing.

2 MS. GREENBERG: So before you consider
3 it, there will be no more time for us to speak, yes
4 or no?

5 MR. BAILEY: Then there will be a
6 public hearing.

7 MS. GREENBERG: Here?

8 MR. BAILEY: Yes.

9 MS. GREENBERG: With the Council?

10 MR. BAILEY: Yes.

11 MS. GREENBERG: Well, that's good.
12 What I want to say is many things.

13 First of all, I've always admired that
14 Jews who refrain from driving on the Sabbath walk a
15 long way. I've seen Mr. Benaroya walking right
16 across town. So that certainly would be an advantage
17 for people. But there are also many, many Orthodox
18 Jews moving into the Third Ward, into streets near
19 where I live, and they are not going to be able to
20 walk up that hill on a Saturday.

21 I'm assuming that there will have to be
22 another institution like this in each of the wards or
23 certainly in the Third Ward. That's a pretty far
24 walk.

25 But something else I want to say about,

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1 from another point of view of people living in the
2 facility.

3 My mother lived in the Classic
4 Residence for a while. It was called a five star.
5 She was one of the early, early occupants. And it
6 wasn't really very far from the downtown, from Cedar
7 Lane in Teaneck, and it was close to me. That's why
8 she moved there, it was in the next town.

9 But she had to depend upon a bus,
10 because it was not close enough to walk to enjoy all
11 the amenities that she could have done, because when
12 she moved in, she was what they call "independent
13 living," and I don't know if this facility will have
14 that sort of thing, but sometimes people like to get
15 out. I know that at the Actors Fund Home, people
16 walk around the area.

17 We also, of course, have senior housing
18 and have had it for years, but not the assisted
19 living, that's 111 West Street.

20 And I just wanted to say that I believe
21 that all senior facilities should be downtown as
22 close as possible to all the amenities, so that those
23 who walk and those who want to get out, can get out
24 easily. It's one of the things I learned from a girl
25 named Rita Cohen.

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1 COUNCIL PRESIDENT GLYNN: I'm sorry.
2 Your time is up.

3 MS. GREENBERG: Okay. I'll finish the
4 sentence.

5 When we built 111 West Street, a long
6 time ago, it was her educating us all that senior
7 residents should not be far away from the downtown.
8 Those people have enjoyed that since then.

9 COUNCIL PRESIDENT GLYNN: Thank you.

10 MS. GREENBERG: I hope there is more
11 time, because there are a lot of other reasons,
12 questions that I have.

13 Thank you.

14 COUNCIL PRESIDENT GLYNN: Thank you
15 very much.

16 MR. EVANS: My name is James Evans, 341
17 Washington Place.

18 The reason why I'm here, because they
19 were mentioning different things that's going on in
20 the city. And I'd just like to remind the city about
21 Juneteenth. That starts June 13th. Juneteenth is
22 the weekend of 13th to the 16th, and I just wanted
23 the Council to be aware of what we're going to do for
24 Juneteenth.

25 Thank you.

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1 COUNCIL PRESIDENT GLYNN: Thank you.

2 MS. RODRIGUEZ: I just want to thank
3 everyone for going late. I'll make this short. I
4 recently relocated to Englewood.

5 COURT REPORTER: What is your name?

6 MS. RODRIGUEZ: Molly Rodriguez,
7 Davison Place.

8 Really quickly.

9 We've heard a lot about CareOne
10 tonight. It's quite a surprise to me. I hope that
11 the community of taxpayers will hear more.

12 I'd like to know what evidence -- we're
13 heard that CareOne is 95 percent occupancy rate.
14 We've heard that it will create many local jobs.
15 We've heard that there will be one percent or very
16 little traffic impact for those of us who live here,
17 but I highly, highly doubt that that is the case.

18 So I hope that as this process -- I'm
19 not so clear on what the process is from beginning,
20 from zoning to where we are now, but I hope that we
21 as taxpayers can be offered some evidence of the
22 facts that are tangible to us that we can look at
23 that we can consider before anyone can make an
24 informed decision on this.

25 Thank you.

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1 COUNCIL PRESIDENT GLYNN: Thank you
2 very much.

3 Anyone else?

4 I'm going to close the public session.

5 MR. STRAUS: Sorry. Can I say one more
6 thing?

7 COUNCIL PRESIDENT GLYNN: Yes. Okay.

8 MR. STRAUS: Joseph Straus.

9 So I was listening very intently. I
10 have a few comments which I'd like to make.

11 COUNCIL PRESIDENT GLYNN: Speak into
12 the mic. You have four minutes.

13 MR. STRAUS: I'll be less than four
14 minutes.

15 First, someone commented earlier about
16 CareOne in Teaneck. Teaneck is a nursing home. Here
17 we're proposing assisted living. A large component,
18 Rabbi Genack mentioned that 60 percent would be
19 catering towards those suffering with Alzheimer's and
20 dementia, that is correct.

21 Of the units that we are proposing,
22 60 percent would be devoted to that use.

23 The other 40 percent would be, unlike
24 Mr. Jansen, a self-proclaimed expert, only 40 percent
25 would be for higher functioning seniors, probably

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1 closer to the independent living on the spectrum.

2 And the amount of ambulance traffic or
3 ambulette traffic as quoted is not really based on
4 any factual data or related in any way to our
5 facility.

6 Second, our assisted living facilities,
7 as Rabbi Genack mentioned, do operate as close to
8 95 percent capacity. That is true. We have been in
9 situations where we have many other competitors in
10 the area. Our competitors ultimately being referral
11 sources for us. I think that's testament to the
12 quality of the care that we provide and the services
13 that we provide to the communities that we're in.

14 Third, the regulations for assisted
15 living require ten percent of the facilities to be
16 dedicated to Medicaid eligible patients.

17 In order for any resident to qualify
18 for Medicaid, they must spend down, that is a state
19 requirement, not a CareOne requirement.

20 Fourth, the facility would not
21 discriminate based upon race, religion, disability or
22 any other protected class under all local, state and
23 federal laws.

24 So while the discussion did relate to
25 Orthodox Jews and their ability to walk, that was

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1 used as one example as a potential impact and one
2 class in particular that we know would benefit from
3 this facility.

4 Lastly, the demographics in New Jersey,
5 contrary to what all the experts here have said, the
6 demographics in New Jersey do support this use. And
7 this facility would be licensed by the New Jersey
8 Department of Health and Senior Services, who would
9 ultimately be the arbiter of that fact.

10 COUNCIL PRESIDENT GLYNN: Thank you.
11 So the public session is now closed. We're going
12 into closed session.

13 (Time noted: 10:35 p.m.)
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C E R T I F I C A T I O N

I, KIM O. FURBACHER, License No. XIO1042, a Certified Court Reporter, Registered Merit Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with Regulation 13:43-5.9 of the New Jersey Administrative Code.



KIM O. FURBACHER, CRCR, CCR, RMR
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7/11/19

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